

1                   Jin Hao Liu - People - Direct 413

2                   Q     Did you know they were police officers when  
3     you first saw them point a gun at the tall one and the  
4     short one?

5                   MR. SCHECHTER: Objection, your Honor;  
6                   asked and answered.

7                   THE COURT: Sustained.

8                   Q     After you saw people pointing the gun at the  
9     tall one and the short one, what's the very next thing  
10   that happened?

11                  A     When they -- when the police saw me, they  
12   asked me to go into their car.

13                  Q     And did you go with the police?

14                  A     Yes.

15                  Q     After you were in the police car, policemen's  
16   car, where was the next place you went if anyplace?

17                  A     Then I went back to the original basement.

18                  Q     Did the police go with you back to the  
19   basement?

20                  A     Yes.

21                  Q     And did the police go into the basement?

22                  A     I'm not very sure.

23                  Q     But you went back to the basement with the  
24   police?

25                  MR. SCHECHTER: Objection, your Honor;

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2                   asked and answered.

3                   THE COURT: It's been asked and  
4                   answered. Sustained.

5                   Q     What's the next place you went after you were  
6                   in the area where the basement was with the police?

7                   A     I didn't go down, but the police asked me is  
8                   this where they held you?

9                   Q     After you were in that area and pointed out  
10                  the police asked you is this the area where you were  
11                  held?

12                  MR. SCHECHTER: Objection.

13                  Q     Where did you go next?

14                  THE COURT: Sustained as to the form of  
15                  the question.

16                  Q     What did you say when the police said is this  
17                  where you were held?

18                  A     Yes. I said that's the place.

19                  Q     Where if anyplace is the next place you went  
20                  after that?

21                  A     Then we went to Chinatown to the precinct to  
22                  take deposition.

23                  Q     So you spoke to the police after the police  
24                  had stopped the car. That's my question.

25                  A     Yes.

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2                   Q     Did you speak to the police after the police  
3                   stopped the car you were in?

4                   A     You mean to go to the precinct?

5                   Q     Just yes or no. Did you have a conversation  
6                   with the police after the police stopped the car you  
7                   were in? Yes or no?

8                   THE COURT: At what point are you  
9                   talking about?

10                  MR. KESSLER: Talking about after the  
11                  police stopped the car they were in.

12                  THE COURT: She's already testified  
13                  she had some conversation with them when they  
14                  took her back to the basement so I don't know  
15                  what you're talking about.

16                  Q     After you were in the basement area with the  
17                  police, did you have a further conversation with the  
18                  police?

19                  MR. SCHECHTER: Objection your Honor.

20                  She didn't say she was in the basement  
21                  area.

22                  Q     After you pointed out the place where the  
23                  police asked you is this where you were, did you have a  
24                  further conversation with the police?

25                  A     Well, no.

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2 Q After you were at the police station, where's  
3 the next place you went?

4 A You mean after I gave my deposition where did  
5 I go?

6 Q That's my question.

7 A I went to a hospital for examination.

8 | Q Do you know the name of the hospital?

9 A Beekman Hospital.

10 Q Do you know what it's called now?

11 A New York Downtown Hospital.

12 Q Could you describe for us what happened while  
13 you were at New York Downtown Hospital?

14 A The doctors and the nurses examined me and  
15 took cotton swabs to wipe me.

16 MR. KESSLER: Your Honor, I have a  
17 certified copy of the medical record of Jin  
18 Hao Liu New York Downtown Hospital, copies  
19 been turned over to counsel pursuant to  
20 45.18. I ask they be admitted into evidence  
21 subject to redactions People's exhibit number  
22 1.

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2 THE COURT: People's 1 in evidence.

3 Mark it, please.

4 (Whereupon, People's Exhibit 1  
5 was marked in evidence.)

6 Q Just one last question. The doctor that  
7 examined you, had you ever met this doctor before?

8 A No.

9 Q Was it a man or a woman? Man or a woman, the  
10 doctor?

11 A There was a man and a woman.

12 Q Both were in the room at the time?

13 A No. One by one.

14 MR. KESSLER: I have nothing further.

15 MR. SCHECHTER: Your Honor, can we have  
16 just one moment?

17 THE COURT: We'll take a 10-minute  
18 recess. Don't discuss the case among  
19 yourselves or with anybody else. Don't let  
20 anyone discuss it in your presence. Everyone  
21 stay in place until the jurors leave the  
22 courtroom.

23 (Whereupon, the jury left the  
24 courtroom.)

25 THE COURT: Jurors have left. The

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2                   defendant can still be here. Witness can  
3                   step off.

4                   People, you have 10 minutes. He has to  
5                   review his file.

6                   (Whereupon, a brief recess was taken.)

7                   THE CLERK: Case on trial continued,  
8                   People versus Hai Guang Zheng. Let the  
9                   record reflect presence of the defendant, the  
10                  official Mandarin interpreter, defense  
11                  attorney, assistant district attorney outside  
12                  the presence of any sworn jurors. At this  
13                  time, any applications before we start?

14                  MR. SCHECHTER: Yes. If your Honor  
15                  pleases, I've been given of this witness, a  
16                  two-page complaint follow-up report. I've  
17                  been given page 1 previously, page 2 from  
18                  Detective Michael Green I have been given  
19                  today this morning. When I reviewed page 2,  
20                  your Honor, the last line says threats were  
21                  made, turn and there's nothing after that.  
22                  Would lead one to believe that there would  
23                  have to be a follow-up page to this complaint  
24                  follow-up of witnesses, your Honor and I've  
25                  never been provided with page 3 of this DD-5

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2 which would be a clear Rosario violation.

3 MR. KESSLER: Judge, I can say I have  
4 the entire case file which was brought to me.  
5 I have spoken and it appears Detective Green  
6 indicates any paperwork he has is going to be  
7 in this case file. There's two pages of this  
8 5. They go through starting from the limo  
9 abduction through the rapes. They finish  
10 with the rapes and they're talking about the  
11 time they're about to leave and it does say  
12 the women were allowed to talk to their  
13 family occasionally and threats were made  
14 during. I checked every page of this and  
15 doesn't appear to be any page that appears to  
16 be a continuation. Detective Green will be  
17 on the stand and should be here tomorrow.  
18 I'll be able to question him further if there  
19 is anything else, but he has sent word every  
20 single paperwork in connection with this has  
21 been turned over and this is all he has.

22 THE COURT: Well, that's the fact of the  
23 matter, we'll have to see where it goes.

24 MR. KESSLER: Fair enough.

25 THE COURT: You ready other than that?

1 Jin Hao Liu - People - Cross 420

2 MR. SCHECHTER: Yes.

3 THE COURT: Bring the jurors in.

4 (Whereupon, the jury entered the  
5 courtroom.)

6 THE CLERK: Case on trial continued.

7 Let the record reflect the presence of the  
8 defendant, defense attorney, assistant  
9 district attorney, official Mandarin  
10 interpreter, 12 regular jurors, four  
11 alternates presently.

12 Waive roll?

13 MR. SCHECHTER: So waived.

14 MR. KESSLER: So waived.

15 THE COURT: You may cross-examine.

16 THE CLERK: Ma'am, you were previously  
17 sworn a little while ago and you're reminded  
18 that you're still under oath. Do you  
19 understand that?

20 THE WITNESS: Yes.

21 CROSS-EXAMINATION

22 BY MR. SCHECHTER:

23 Q Miss Liu, are you a United States citizen?

24 THE INTERPRETER: I didn't hear you.

25 Q Are you an United States citizen?

1                   Jin Hao Liu - People - Cross 421

2                   A       No.

3                   Q       Were you born in the United States?

4                   A       No.

5                   Q       How long have you been in the United States?

6                   A       5 or 6 years.

7                   Q       And what is your status with immigration?

8                   MR. KESSLER: Objection; relevance.

9                   THE COURT: Sustained.

10                  Q       How long have you lived in New York?

11                  A       About five or six years.

12                  MR. SCHECHTER: Your Honor, can we  
13                  approach for one moment?

14                  THE COURT: Yes.

15                  (Whereupon, a discussion was held off  
16                  the record, at the side bar among the Court,  
17                  defense counsel and the assistant district  
18                  attorney.)

19                  Q       When you arrived in the United States, who  
20                  did you come with?

21                  A       With my mother and my sister.

22                  Q       And for what reason did you come to the  
23                  United States?

24                  MR. KESSLER: Objection.

25                  THE COURT: Sustained.

1                   Jin Hao Liu - People - Cross 422

2                   Q     Did you come here on a student visa?

3                   A     No.

4                   Q     Did you come here with a green card?

5                   MR. KESSLER: Objection.

6                   THE COURT: Overruled.

7                   A     Yes.

8                   Q     Did you have a green card prior to coming to  
9     the United States?

10                  MR. KESSLER: Objection.

11                  THE COURT: Sustained.

12                  Q     Miss Liu, when did you find out your sister,  
13     your brother and sister-in-law were coming to New York?

14                  A     March 31st.

15                  Q     Was that the day you found out they were  
16     coming or was it sometime prior?

17                  A     Just about two days ago they notified us.

18                  Q     And when you arrived at the airport, how long  
19     were you there prior to seeing your brother and sister?

20                  A     That time I didn't have a watch . I'm not  
21     sure.

22                  Q     Can you approximate how much time?

23                  MR. KESSLER: Objection; relevance.

24                  THE COURT: Sustained. It's not  
25     relevant. Come on. Let's get going.

Jin Hao Liu - People - Cross 423

Q How long were you -- withdrawn.

3 After you got back in the limousine car to go back  
4 to Manhattan with your brother and sister-in-law, how  
5 long were you riding prior to being stopped by the other  
6 vehicle?

7 A Just going out of the airport in a very short  
8 while.

9 Q Do you know the location where the -- what  
10 road you were on where the other vehicle stopped the  
11 limo?

12 A It's, it's very -- it's near the airport  
13 area.

Q Was it on a highway or on a street?

15 A Not on a highway yet.

16 Q Had you gotten on a highway from when you  
17 left the airport?

18 | MR. KESSLER: Objection.

19 THE COURT: sustained.

20 Q Now, in the area where the car was stopped,  
21 was it dark?

22 A Yes.

23 Q Were there any streetlights around?

24 A I didn't really pay any attention.

25 Q Now, when -- where were you seated in the

1                   Jin Hao Liu - People - Cross 424

2         limo car?

3         A       I was in the back seat.

4         Q       Behind the driver or behind the passenger?

5         A       I was back of the driver.

6         Q       Now, when the people came up to your car  
7         after you were stopped, you were ordered out of the car,  
8         am I correct?

9         A       Yes.

10        Q       And your brother -- where was your  
11        sister-in-law in the car in the limo.

12        A       She was on the next seat of the driver's  
13        side.

14        Q       In the front seat?

15        A       Yes.

16        Q       And was your brother next to you on the  
17        passenger side in the back seat?

18        A       Yes.

19        Q       Now, the person that you saw that had a gun  
20        at that time, can you describe the gun?

21        A       No, I can't.

22        Q       And am I correct in saying you're not  
23        familiar with guns?

24        A       I don't -- not familiar with guns.

25        Q       Do you know what color gun it was?

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2                   A     It was black.

3                   Q     Do you know what type gun it was?

4                   A     No, I don't.

5                   Q     And the person that pointed the gun at you,  
6     where was he? Was he on the driver's side or the  
7     passenger side?

8                   A     They weren't pointing at me. They were  
9     pointing the people in the front.

10                  Q     Was any -- and was that gun being covered by  
11     anything?

12                  A     No.

13                  Q     Were you able to see the gun?

14                  A     I can see the gun.

15                  Q     Was that person on the driver's side or the  
16     passenger side?

17                  A     It's on the passenger side.

18                  Q     After you got out of the car, did that -- did  
19     that person get into the passenger side in the front of  
20     the other car?

21                  THE INTERPRETER: Repeat the question,  
22                      please?

23                  Q     The person that was pointing the gun --  
24     withdrawn.

25                  You then got out of the limo and got into the other

1                   Jin Hao Liu - People - Cross 426

2       car, am I correct?

3       A      Yes.

4       Q      Was there any conversation prior to getting  
5       into the other car about money?

6       A      I never said anything.

7       Q      Now, did they -- did either one of the two  
8       men say anything about money?

9       A      No.

10      Q      Did they ever ask for your documents while  
11     you were in the limousine?

12      A      No.

13      Q      Do you know what type car you got into?

14      A      I don't know.

15      Q      Do you know what color car that was?

16      A      It was very dark. I couldn't see clearly.

17      Q      Were you -- where in the car did you get in?

18      A      In the back seat behind the driver.

19      Q      Where was your brother?

20      A      My brother was in the back seat also, but on  
21     the other side.

22      Q      And was your sister-in-law next to you?

23      A      Yes.

24      Q      And the individual that you said had the gun  
25     pointed to the front to the people in the front of the

1                   Jin Hao Liu - People - Cross 427

2                   limousine, did he get in the passenger side of the  
3                   second car?

4                   A         Are you talking about his car or our car?

5                   Q         The second car, the car that you got into.

6                   THE COURT: Well, they got into both  
7                   cars.

8                   Q         Not the limousine car, the other car?

9                   A         You have to ask that question again.

10                  Q         The person who was by the passenger side of  
11                  the limousine car, did you see where he got into the  
12                  second car?

13                  A         The one that had the gun was sitting next to  
14                  the driver.

15                  Q         Now, you said when you looked at Mr. Zheng,  
16                  he was the driver of the car, am I correct?

17                  A         Yes.

18                  Q         While you were in the second car driving with  
19                  your brother in the car, how long was your brother in  
20                  the car before he was let out of the car?

21                  A         I don't -- I don't know exactly how long.

22                  Q         Can you approximate how much time?

23                  A         I completely don't know.

24                  Q         Could you say if it was more than one hour or  
25                  not?

1 Jin Hao Liu - People - Cross 428

2 MR. KESSLER: Objection.

3 THE COURT: Witness said she doesn't  
4 know.

5 MR. SCHECHTER: Well, your Honor, I'm  
6 just trying by going a major time period  
7 whether she can or not.

8 THE COURT: You want to press it, go  
9 ahead.

10 A I don't know.

11 Q Was the car moving when the gentlemen --  
12 well, withdrawn.

13 Which gentleman asked you -- was speaking to you  
14 about your passport and the documents? Was it the  
15 driver or the passenger of the car?

16 A They didn't ask me. They asked my brother.

17 Q Okay. Was that -- which one asked your  
18 brother?

19 A The one on the passenger side.

20 Q And what was said when your brother gave them  
21 his passport and other documents?

22 A He said we had kidnaped the wrong person.

23 Q Did he ever ask your brother for money while  
24 your brother was in the car?

25 A My brother asked them is it that you want

1                   Jin Hao Liu - People - Cross 429

2                   money?

3                   Q     Did either of them answer?

4                   A     That time he didn't answer my brother.

5                   Q     When you say that time, are we talking about  
6                   the passenger of the car?

7                   A     Yes.

8                   Q     At any time while your brother was in the  
9                   car, did the driver say anything to either you, your  
10                  sister-in-law or your brother?

11                  A     I don't remember.

12                  Q     But it was the person with the gun on the  
13                  passenger side who was doing all the talking, am I  
14                  correct?

15                  MR. KESSLER: Objection to the term --

16                  THE COURT: Sustained to the form of the  
17                  question.

18                  Q     The person on the passenger side was the one  
19                  who was talking to your brother?

20                  A     And so?

21                  Q     Yes or no.

22                  THE COURT: Well, sustained. Rephrase  
23                  the question. You made it as a statement,  
24                  not as a question.

25                  Q     Did either of the two individuals in the car

1                   Jin Hao Liu - People - Cross 430

2 ever ask you any questions?

3                   A       No.

4                   Q       Did they ever ask your sister-in-law any  
5                   questions?

6                   THE INTERPRETER: She nods.

7                   Q       Did you ever see either of the two  
8                   individuals give your brother anything before -- while  
9                   he was still in the car?

10                  A       Is it before the bridge?

11                  Q       Just going back, when that passenger asked  
12                  your brother for the documents, was the car moving or  
13                  was it stopped?

14                  MR. KESSLER: Objection.

15                  THE COURT: Sustained.

16                  Q       Now, what did they -- you know what they gave  
17                  -- who gave your brother a piece of paper?

18                  A       I don't remember which one gave me the paper.

19                  Q       Did you see what was on that paper?

20                  A       It had a phone number on it.

21                  Q       Did they give him any money?

22                  A       No.

23                  Q       Now, after your brother got out of the car,  
24                  do you know how long it was till you got to the basement  
25                  apartment?

1                   Jin Hao Liu - People - Cross 431

2                   A     I don't remember.

3                   Q     When you arrived at the basement apartment,  
4     you then went inside with your sister-in-law and the two  
5     men?

6                   A     Yes.

7                   Q     Now, did the third person arrive before one  
8     of the men left or after one of the men left?

9                   A     The second person leave, then the third  
10    person appear.

11                  Q     The person who left, that was the person in  
12    the car who had the gun?

13                  A     Yes.

14                  Q     Can you describe that person who left?

15                  A     You mean the one that left, I don't remember.

16                  Q     How long was it from the time that he left  
17    'till the third person got there?

18                  A     He didn't leave yet. The third one appeared.

19                  Q     The third person got there before the second  
20    one left?

21                  A     Yes.

22                  Q     How long had you been -- can you approximate  
23    how long you'd been at the apartment before the third  
24    person got there?

25                  A     Not very long.

1 Jin Hao Liu - People - Cross 432

2 Q Now, at that time before you went to bed, did  
3 you have anything to eat?

4 A Yes. I had some cookies.

5 Q They allowed you to cook?

6 THE COURT: Wait a minute. What was her  
7 answer?

8 THE INTERPRETER: Cookies.

9 THE COURT: She had some cookies?

10 Q They gave you cookies?

11 A Some noodles.

12 Q You said that they asked you if you're hungry  
13 you can take food?

14 A Yes.

15 Q And you took cookies? You took the noodles?

16 A Yes.

17 Q And did your sister-in-law take any food?

18 MR. KESSLER: Objection; relevance.

19 THE COURT: Overruled.

20 A Yes.

21 Q Now, that evening, did either of the two men  
22 ask you for money?

23 A No, didn't ask me for money.

24 Q Now, how long was it that -- did you then go  
25 to sleep?

1 Jin Hao Liu - People - Cross 433

2 THE COURT: Wait a minute. Rephrase it.

3 Q Did there come a time a time that evening  
4 that you went to sleep?

5 A No.

6 Q Were you and your sister-in-law alone at all  
7 at that time from the two men?

8 THE COURT: At what time are you talking  
9 about?

10 Q After you had food.

11 A Yes.

12 Q And can you approximate how long you were  
13 left alone with your sister-in-law?

14 A I was never -- I was never alone with my  
15 sister.

16 Q At any time from the time you first got into  
17 the basement apartment until the time you left the  
18 basement apartment, did either of the two men besides --  
19 after the third person left and then there were the two  
20 people remaining starting at that time, at any time  
21 thereafter, did either of the two of those two men ever  
22 leave?

23 A You mean the both of them left, no.

24 Q Did either one of them leave?

25 A There was always one there.

1 Jin Hao Liu - People - Cross 434

2 Q Well, okay. During that time did the taller  
3 man leave?

4 A Yes.

5 Q And when was that?

6 A This is the next day in the morning.

7 Q Was that before or after you gave him the  
8 phone number?

9 A She said you mean did I give it to him before  
10 he left or after he left?

11 Q Yes.

12 A When he left, I gave it to them.

13 THE COURT: Did you give it to him  
14 before he left?

15 THE WITNESS: I gave it to him and then  
16 he left.

17 Q Can you approximate how long he was gone for?

18 A I don't know.

19 Q When he came back, did he have food with him?

20 A I'm not very sure.

21 Q At any other time did either one of the two  
22 males leave the apartment?

23 A I don't understand.

24 Q Well, you said the tall man left in the  
25 morning and then came back?

1                   Jin Hao Liu - People - Cross 435

2                   A     Yes.

3                   Q     At any other time besides for that one time  
4     did either one of the two men leave?

5                   A     The tall one then went out again.

6                   Q     How many times did the tall one leave the  
7     apartment?

8                   A     I'm not very clear about it.

9                   Q     At any time did the shorter man leave?

10                  A     No.

11                  Q     And the gun was always left in the apartment?

12                  A     Yes.

13                  Q     And so when the taller man was out the  
14     shorter man had the gun with him?

15                  A     I'm not clear about that.

16                  Q     Okay. Now, you said there came a time that  
17     your sister-in-law went with the taller man in another  
18     room?

19                  A     Yes.

20                  Q     And you said I believe also that the tall man  
21     had the gun with him at that time?

22                  A     Yes.

23                  Q     So that means that the shorter man never had  
24     a gun at that time?

25                  A     I'm not clear about that.

Jin Hao Liu - People - Cross 436

2 Q But you're sure when your sister-in-law went  
3 in the other room the taller man had the gun with him?

4 MR. KESSLER: Objection; asked and  
5 answered.

6 THE COURT: Sustained.

7 MR. SCHECHTER: Can I just have one  
8 moment?

9 (Pause.)

10 Q Do you remember testifying in the grand jury  
11 on July 17th?

12 A Yes. I remember.

13 O Do you remember being asked these questions?

14 | THE COURT: One at a time.

15 Q And giving these answers? Page 31, page 31,  
16 line 17. What happened to you in the first --

17 "QUESTION: What happened to you in the first  
18 bedroom?

19 "ANSWER: The shorter guy took off my clothes and  
20 he's touching me and he kissed me."

21 Remember being asked that question and giving that  
22 answer?

A You mean he took me to another room?

24 THE COURT: No. Do you remember being  
25 asked that question and giving that answer?

1                   Jin Hao Liu - People - Cross 437

2                   A     When they asked me --

3                   THE COURT: No. Sustained. That's not  
4                   responsive.

5                   Do you remember being asked the question  
6                   he just asked you and the answer that he just  
7                   gave you?

8                   Do you remember that?

9                   THE WITNESS: Yes.

10                  Q     And then do you remember being asked the next  
11                  question?

12                  "QUESTION: Where did he touch you?"

13                  "ANSWER: He touched my front chest, my breasts."

14                  A     Yes.

15                  Q     And do you now remember being asked this next  
16                  question?

17                  "Did he have the gun around him at that time?"

18                  "ANSWER: He put his gun on the bed."

19                  A     Is he talking about --

20                  THE COURT: No, no. Does she remember  
21                  being asked that question and giving that  
22                  answer?

23                  Q     We're talking about the shorter gentleman.

24                  THE INTERPRETER: Repeat the question,  
25                  please.

1                   Jin Hao Liu - People - Cross 438

2                   Q     Do you remember being asked this question and  
3                   giving this answer? We're talking about you with the  
4                   shorter gentleman.

5                   "Did he have the gun around him at that time?

6                   "ANSWER: He put his gun on the bed.

7                   A     Yes.

8                   Q     And then you remember being asked this  
9                   question?

10                  "Could you see it?

11                  "ANSWER: I saw him put his gun under the pillow  
12                  last night."

13                  A     Yes.

14                  Q     "QUESTION: So it was near him?

15                  "ANSWER: Yes".

16                  A     Yes.

17                  Q     Okay. That would be the shorter gentleman  
18                  who had the gun, am I correct?

19                  MR. KESSLER: Objection.

20                  THE COURT: Sustained as to the form of  
21                  the question.

22                  Q     At the time that you were with the shorter  
23                  gentleman, he had a gun, am I correct?

24                  A     I'm not very clear.

25                  Q     But you remember being asked those questions

1 Jin Hao Liu - People - Cross 439

2 and giving those answers?

3 THE COURT: Sustained. It's been asked  
4 and answered.

5 Q Now, when you were with the tall gentleman,  
6 you said he took off his clothes?

7 A Yes. He took his clothes off.

8 Q Did you see any marks or bruises on his lower  
9 area where one would wear underwear?

10 A I didn't pay attention.

11 Q The weapon that you said you saw in the  
12 house, can you describe that weapon?

13 THE INTERPRETER: No. She nod her  
14 head.

15 Q The car that you got into at the airport, the  
16 second car would you describe that car?

17 MR. KESSLER: Objection; asked and  
18 answered.

19 THE COURT: Sustained.

20 Q Did you eat anything the second day?

21 A The next day I ate a little food.

22 Q Did you cook the food or did the males cook  
23 the food?

24 MR. KESSLER: Objection.

25 THE COURT: Sustained.

1                   Jin Hao Liu - People - Cross 440

2       Q   At any time did the tall man ever strike you?

3       A   No.

4       Q   Did he ever punch you?

5       A   No.

6       Q   Did he ever kick you?

7       A   No.

8       Q   Did the tall man and the shorter man sleep in  
9       the same room the first night?

10                  THE COURT: What do you mean by the same  
11                  room?

12       Q   Were they sleeping in the same room or were  
13       they in separate bedrooms?

14                  THE COURT: Rephrase the question.

15       Q   Did the shorter man and taller man sleep in  
16       the same room or in different rooms?

17       A   In the same room.

18       Q   And you said that there came a time where you  
19       then left with the two gentlemen?

20                  THE INTERPRETER: I didn't get the  
21                  question.

22       Q   Did there come a time that you left the  
23       basement apartment?

24       A   Yes.

25       Q   And the gentleman who you described as the

1                   Jin Hao Liu - People - Cross 441

2 taller gentleman --

3                   MR. KESSLER: Judge, I object to the  
4                   term "gentleman" at all.

5                   THE COURT: Sustained.

6                   Q         The two men, the taller man, was he driving  
7                   the car or was he the passenger in the car?

8                   THE COURT: At what time?

9                   Q         When they left the basement apartment.

10                  A         The tall one.

11                  Q         Hum?

12                  A         The tall one.

13                  Q         Yes.

14                  THE COURT: Yes what?

15                  Q         Was he the driver or --

16                  THE COURT: You asked her who was the  
17                  driver. She said the tall one.

18                  Q         How far did you go before the car was  
19                  stopped?

20                  A         Just about two streets.

21                  Q         When you said there came a time that you went  
22                  back to the -- near the vicinity of the apartment?

23                  A         You mean they left, we left and went back  
24                  again?

25                  Q         Yes.

1                   Jin Hao Liu - People - Cross 442

2                   A      With the --

3                   Q      With the police.

4                   A      The two of them and the police.

5                   Q      Were you in the same car as the two men?

6                   A      No.

7                   Q      Did the two men also go back to the  
8                   apartment, to the basement?

9                   A      No.

10                  Q      Am I correct in saying you never went back  
11                  into the basement apartment?

12                  A      No.

13                  Q      Did you stay in the car?

14                  A      You mean with the police or with them?

15                  Q      With the police.

16                  A      I was in the police car.

17                  Q      And you don't know if any policemen went into  
18                  that apartment?

19                  A      I'm not clear about it.

20                  Q      And you didn't have any further conversation  
21                  with any police officer while after you were at the  
22                  basement apartment again?

23                  A      I didn't go back into the basement.

24                  Q      Did you have any conversation -- withdrawn.

25                  Was there any interpreter there who spoke Chinese

1                   Jin Hao Liu - People - Cross 443

2         at that time that you went back to the basement  
3         apartment?

4         A         You mean I went back to the apartment?

5         Q         When you were in the vicinity with the  
6         police.

7                   THE COURT: Wait a minute. Wait a  
8                   minute, please. Either you're not asking it  
9                   right or she's not getting the question.  
10                  Please clarify the question for the witness.

11         Q         You said you were in the police car near the  
12         basement apartment?

13         A         Yes.

14         Q         Was there any person there who spoke both  
15         Chinese and English?

16                   THE COURT: You mean a policeman?

17         Q         A policeman?

18         A         On the telephone someone spoke Chinese.

19         Q         When you were in -- when you were in the  
20         police car by the apartment, by the basement --  
21         withdrawn.

22                   THE COURT: Thank you.

23                   MR. SCHECHTER: Your Honor, can we have  
24                  a side bar before I ask my next question?

25                   THE COURT: Sure.

1                   Jin Hao Liu - People - Cross 444

2                   (Whereupon, a discussion took place off  
3                   the record, at the side bar, among the Court,  
4                   defense counsel and the assistant district  
5                   attorney.)

6                   Q      Miss Liu, prior to March 31st of 1995, did  
7                   you ever have sexual relations with anyone other than  
8                   those two?

9                   MR. KESSLER: Judge, I object to him  
10                  saying that with sexual relations.

11                  THE COURT: Sustained as to the form of  
12                  the question.

13                  Q      Had you ever had sexual intercourse with  
14                  someone prior to March 31st of 1995?

15                  A      Yes.

16                  Q      When was the last time prior to March 31st,  
17                  1995 that you had sexual intercourse?

18                  A      You mean March 31st?

19                  Q      Prior. Did you have sexual intercourse with  
20                  anyone on March 31st?

21                  A      Before you mean?

22                  Q      Yes. Before going to the airport?

23                  A      You mean the same day or what?

24                  THE COURT: When was the last time if  
25                  ever did you have sexual relations prior to

1 Jin Hao Liu - People - Cross 445

2 March 31st, 1995?

3 THE INTERPRETER: Before?

4 A Yes.

5 Q When was it?

6 A January.

7 MR. SCHECHTER: One further moment.

8 Your Honor, I have nothing further of  
9 this witness.

10 THE COURT: Any redirect?

11 MR. KESSLER: No, no.

12 THE COURT: You can step down. Counsel,  
13 you want to step up a minute?

14 (Whereupon, a discussion was held off  
15 the record, at the side bar, among the Court,  
16 defense counsel and the assistant district  
17 attorney.)

18 THE COURT: Ladies and gentlemen, we'll  
19 recess now until 9:30 tomorrow morning.

20 Don't discuss the case among yourselves or  
21 with anybody else. Don't let anyone discuss  
22 the case with you in your presence. Report  
23 tomorrow morning 9:30 to where the Court  
24 Officer tells you where to report. Don't  
25 come to the courtroom. Have a nice evening.

1 Jin Hao Liu - People - Cross 446

2 See you tomorrow.

3 (Whereupon, the jury left the  
4 courtroom.)

5 THE COURT: All right. The jurors have  
6 left the courtroom. Take the defendant back.  
7 I'll see you 9:30 tomorrow morning.

8 MR. SCHECHTER: Your Honor, I have one  
9 application and I don't remember what it was.

10 THE COURT: Well, that's great. Wait a  
11 minute. You want to wait a few seconds?  
12 Think you can refresh your recollection?

13 MR. SCHECHTER: If I refresh my  
14 recollection, I'll do it in the morning.

15 MR. KESSLER: I think I remember. He  
16 was going to go into an area he said not the  
17 way you did it, but then you went into it.

18 We were up at side bar and said illegal  
19 alien.

20 MR. SCHECHTER: Okay.

21 MR. KESSLER: Went into the green card.

22 MR. SCHECHTER: That was it. Tomorrow  
23 morning I'll be here 9:30.

24 (Whereupon, the trial was adjourned  
25 until June 28, 1996.)

1 Jin Hao Liu - People - Cross 447  
2

3 SUPREME COURT OF THE STATE OF NEW YORK  
4 COUNTY OF QUEENS: CRIMINAL TERM, PART K-25  
5 -----X

6 THE PEOPLE OF THE STATE OF NEW YORK,  
7

Ind. No.  
3282/95

8 -against-  
9

Jury Trial

10 HAI GUANG ZHENG,  
11

12 Defendant.  
13 -----X  
14

15 June 28, 1996  
16

17 Queens Supreme Court  
18 125-01 Queens Boulevard  
19 Kew Gardens, NY 11415  
20

21 B E F O R E :

22 THE HONORABLE STANLEY B. KATZ,  
23 Justice, Supreme Court  
24

25 A P P E A R A N C E S :

For the People:

THE HONORABLE RICHARD A. BROWN,  
District Attorney, Queens County,  
By: SCOTT KESSLER, ESQ.,  
Assistant District Attorney

For the Defendant:

DONALD SCHECHTER, ESQ.

Catherine R. Parker,  
Official Court Reporter

21  
22  
23  
24  
25

1 Jin Hao Liu - People - Cross 447

2 SUPREME COURT OF THE STATE OF NEW YORK  
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13 THE HONORABLE STANLEY B. KATZ,  
Justice, Supreme Court

14 A P P E A R A N C E S :

15 For the People:

16 THE HONORABLE RICHARD A. BROWN,  
District Attorney, Queens County,  
17 By: SCOTT KESSLER, ESQ,  
Assistant District Attorney

18 For the Defendant:

19 DONALD SCHECHTER, ESQ.

20 Catherine R. Parker,  
Official Court Reporter

21

22

23

24

25

Proceedings 448

THE CLERK: Case on trial continued,  
calendar number 4, 3282 of '95, People versus  
Hai Guang Zheng. Let the record also reflect  
the presentation of the official Mandarin  
interpreter.

THE CLERK: For the record, what is your name?

THE DEFENDANT: Hai Guang Zheng.

MR. SCHECHTER: Donald Schechter, 10

Cuttermill Road, Great Neck, New York.

MR. KESSLER: Scott Kessler, for the  
People.

MR. SCHECHTER: Your Honor, I just ask if he spoke to Detective Green about that police report.

MR. KESSLER: Yeah. I spoke to Detective Green yesterday when I got back. He indicated to me I read him everything that was on the 5. He indicated that he has no idea about any other 5 that he could have typed. He'll be in Monday. We can question him about it, but that's all I know. That's all I have.

THE COURT: Other than that, are we

1                   Liu Yan Wu - People - Direct 449

2                   ready to proceed?

3                   MR. SCHECHTER: Yes.

4                   THE COURT: Bring the jurors in, please.

5                   (Whereupon, the jury entered the  
6                   courtroom.)

7                   THE CLERK: Case on trial. Let the  
8                   record indicate the presence of 12 regular  
9                   jurors, four alternate jurors all present  
10                  properly seated. All sides waive formal  
11                  reading of the roll?

12                  MR. KESSLER: So waived.

13                  MR. SCHECHTER: So waived.

14                  THE COURT: Good morning, ladies and  
15                  gentlemen. Call your next witness.

16                  MR. KESSLER: People call Miss Liu Yan  
17                  Wu.

18                  L I U    Y A N    W U, a witness called on behalf of the  
19                  People, a resident of Los Angeles, California, after  
20                  having first been duly sworn by the Clerk of the Court,  
21                  took the witness stand and testified as follows:

22                  THE COURT: You may inquire.

23                  MR. KESSLER: Thank you.

24                  DIRECT EXAMINATION

25                  BY MR. KESSLER:

1                   Liu Yan Wu - People - Direct 450

2                   Q     Miss Wu, can you tell us how old you are?

3                   A     25 years old old.

4                   Q     Are you married?

5                   A     Yes, I'm married.

6                   Q     What is the name of your husband?

7                   A     Liu Guo Bang.

8                   Q     Now, directing your attention to the date of  
9     March 31st, 1995, do you recall that date?

10                  A     Yes.

11                  Q     And on that date, what were your plans for  
12    that particular date?

13                  A     I am from Los Angeles coming into New York.

14                  Q     And do you recall did anyone fly with you  
15    from Los Angeles into New York?

16                  A     My husband.

17                  Q     When you arrived in New York on March 31st,  
18    1995, was there anyone there to greet you?

19                  A     Yes.

20                  Q     And who was that?

21                  A     It was Jin Hao Liu.

22                  Q     And Jin Hao Liu related to your husband at  
23    all?

24                  A     It's his sister.

25                  Q     did there -- when you got to Kennedy Airport,

1                   Liu Yan Wu - People - Direct 451

2                   what was the next thing that occurred after you had  
3                   picked up your luggage.

4                   A         With my sister-in-law, we all went to pick up  
5                   our luggage and then we went into our cab.

6                   Q         After you were in the cab with your luggage,  
7                   could you tell the members of the jury what was the next  
8                   thing that happened?

9                   A         Then we -- the car started and we were  
10                  heading home.

11                  Q         What if anything occurred as you were heading  
12                  home?

13                  A         While the car was driving not too long, there  
14                  was another car that blocked us.

15                  Q         And could you describe for us how this other  
16                  car blocked your car?

17                  A         They drove in front of our car and blocked  
18                  us.

19                  Q         What happened after they drove in front of  
20                  your car and blocked you?

21                  A         Two men came out of the car. One person --  
22                  one person had his gun on the driver, one person had the  
23                  gun on me.

24                  Q         Could you see the guns?

25                  A         Yes.

Liu Yan Wu - People - Direct 452

Q Were they being hidden by anything?

**3**                   **A**                   **No.**

4 Q Where were you located when the men with the  
5 gun came?

6 A I was behind the driver.

7 Q What happened after you saw the two men with  
8 the gun?

9           A       They asked me to get out of my car and go  
10          into their car.

11 Q And did you go into their car?

12 A Yes, we did.

13 Q Who went with you if anyone into their car?

14 A With my husband and my husband's sister.

15 Q Once you were in their car, what happened  
16 next?

17 A They asked me where we are coming from and  
18 where we are going.

22 THE COURT: Well unless both of them  
23 asked.

24 Overruled.

25 Q Was there one person who was in the car,

1                   Liu Yan Wu - People - Direct 453

2         their car who was driving and one person who was in  
3         their car that was in the passenger seat?

4         A         Yes.

5         Q         The one that had asked you where you were  
6         coming from was that the driver of the car or the  
7         passenger?

8         A         The passenger.

9         Q         After he had said that to you, what happened  
10        next while you were inside the car?

11        A         I told him we came from Los Angeles and we  
12        are coming to New York.

13        Q         Did your husband have any conversations with  
14        the passenger?

15        A         Yes, they did talk.

16        Q         Do you recall what substance of the  
17        conversation was?

18        A         The same thing that we came from LA and we're  
19        coming to New York.

20        Q         Did there come a time when anyone in the car  
21        left the car.

22        A         Yes.

23        Q         And who left the car?

24        A         My husband.

25        Q         Do you know where your husband left the car,

1                   Liu Yan Wu - People - Direct 454

2     in what area?

3     A     I don't know.

4     Q     After your husband left the car, where if  
5     anyplace did you go next?

6     A     Then these two men drove myself and my sister  
7     somewhere.

8     Q     Did you know where they drove to?

9     A     I don't know.

10    Q     Did they still have the guns they had earlier  
11    with them at the time you arrived at the second  
12    location?

13                  MR. SCHECHTER: Objection.

14                  THE COURT: Overruled.

15    A     Yes.

16    Q     When you arrived at the second location,  
17    where if anyplace did you go?

18    A     They drove me to an area where we entered a  
19    home.

20    Q     Did you enter on the bottom of the home, the  
21    basement area or on the top of the home?

22    A     It was the basement.

23    Q     When you got into the basement, what happened  
24    initially when you got there?

25    A     They took our passport to look at it.

1                   Liu Yan Wu - People - Direct 455

2                   Q     Did anyone else arrive in the basement while  
3     you were there with the two men?

4                   A     Yes.

5                   Q     And after this person arrived, did anyone  
6     leave the basement?

7                   A     Yes.

8                   Q     The person that left, was he the driver of  
9     the car or the passenger in the car?

10                  A     It was the passenger.

11                  Q     Is there any difference in height between the  
12    person who was driving the car and the person who  
13    initially came later?

14                  THE INTERPRETER: Could I have that  
15    question again?

16                  Q     Is there any difference in height between the  
17    person who was driving the car and the person, the third  
18    person that showed up later?

19                  THE INTERPRETER: She wants the question  
20    again.

21                  THE COURT: Why don't you rephrase it?

22                  Q     Was the third person that showed up taller or  
23    shorter than the driver?

24                  A     The third person that came in his shorter  
25    than the driver.

1                   Liu Yan Wu - People - Direct 456

2                   Q     Now, when you arrived into the basement  
3     apartment, did you have any other conversations with  
4     either one of the two men remaining, the tall one and  
5     the short one?

6                   MR. SCHECHTER: Objection. Are we  
7     talking about after the third person left  
8     came in or before?

9                   THE COURT: I don't know. You want to  
10    have him ask?

11                  MR. SCHECHTER: I don't know what time  
12    we're talking about.

13                  THE COURT: Clarify.

14                  Q     After the third person came, did you have any  
15    conversations with either the tall person or the short  
16    person?

17                  A     When the third person came in, I spoke to the  
18    tall one.

19                  Q     What did the tall person say to you and what  
20    did you say to him?

21                  A     They asked me if my passport was accurate.

22                  Q     Did they say anything else to you -- did he  
23    say anything else to you?

24                  A     We were very scared. I asked him what's  
25    happening.

1                   Liu Yan Wu - People - Direct 457

2                   Q     Did he tell you any response after you asked  
3     him what's happening.

4                   A     He said don't be afraid. We're planning  
5     something.

6                   MR. SCHECHTER: What?

7                   THE INTERPRETER: We're planning  
8     something.

9                   Q     That night, the night you were first in the  
10   basement, did you sleep at all that night?

11                  A     No, the whole night I was very scared.

12                  Q     Where were you and your sister-in-law that  
13   night? Where were you located?

14                  A     We where in the basement area.

15                  Q     Did you see any guns when you were in the  
16   basement area that night?

17                  A     Yes.

18                  Q     Where did you see the guns?

19                  A     It was next to the pillow.

20                  Q     Can you describe for us what if anything  
21   happened the next morning.

22                  A     The next morning the tall one acted very  
23   angry.

24                  Q     What if anything did he say?

25                  A     He told me to go to the bed.

1                   Liu Yan Wu - People - Direct 458

2                   Q     And what did you do?

3                   A     So I went to the bed.

4                   Q     Whose bed?

5                   A     The tall, the tall one's bed.

6                   Q     What happened after you arrived at the tall  
7 one's bed.

8                   A     I lied down. The tall one had kept touching  
9 my breasts.

10                  Q     What was he touching your breast with?

11                  A     He used his hands.

12                  Q     Did you say anything to him?

13                  A     Yes.

14                  Q     What did you say?

15                  A     I told him not to do this.

16                  Q     What if anything did you do at that point?

17                  A     I kept telling him not to do this and then he  
18 used his hands to touch my lower part.

19                  Q     What if anything else did he do with his  
20 hands while you were in that bed?

21                  A     He kept touching my breasts and touching my  
22 lower part with his hands and I kept telling him not to  
23 do it because I couldn't face my husband.

24                  Q     What if anything happened next?

25                   THE INTERPRETER: I have to ask her to

1                   Liu Yan Wu - People - Direct 459

2                   shorten the sentence. Maybe we have the  
3                   question again.

4                   Q         After his hands were touching your body in  
5                   the bed, what if anything was the next thing that  
6                   happened.

7                   A         I kept telling him not to do this to me cause  
8                   I could not face my husband.

9                   Q         Did there come a time that you left that  
10                  bedroom area?

11                  A         Yes.

12                  Q         And where if anyplace did you go?

13                  A         I went to another room.

14                  Q         Who went with you to the other room if  
15                  anyone?

16                  A         The tall one.

17                  Q         I'm going to ask you to take a look around  
18                  this courtroom from that wall to that wall from that  
19                  wall to this wall and ask you if you see any of the  
20                  people that were in that apartment with you on March  
21                  31st, 1995.

22                  A         He's not here.

23                  Q         What happened after you were in the other  
24                  room?

25                  A         Then he asked me to lie down again.

1                   Liu Yan Wu - People - Direct 460

2                   Q     What happened after you lied down?

3                   A     He told me not to make any noise and listen  
4                   to him.

5                   Q     What happened after he said that?

6                   A     So I lied down.

7                   Q     After you lied down, what occurred?

8                   A     Then he touched my vagina.

9                   Q     What happened next?

10                  A     Then I kept telling him and I kept pushing  
11                  him.

12                  Q     What if anything did you say to him and what  
13                  if anything did he say to you?

14                  A     That time I'm not very clear about.

15                  Q     What else happened while you were in the  
16                  other room with this man?

17                  A     He kept touching me and I kept pushing him.

18                  Q     Where was he touching you and where were you  
19                  pushing him?

20                  A     He's touching my vagina and he pulled down my  
21                  pants and I kept pushing him.

22                  Q     What if anything happened after he pulled  
23                  down your pants?

24                  A     He put his penis in my vagina.

25                  Q     What happened after he put his penis in your

1                   Liu Yan Wu - People - Direct 461

2                   vagina?

3                   A     So I kept pushing him.

4                   Q     What happened next?

5                   A     I kept telling him to let us go because I  
6                   can't face my husband this way.

7                   Q     Did there come a time that you finally left  
8                   that room?

9                   A     Yes.

10                  Q     Was there any guns in that room that you were  
11                  in with this man?

12                  A     Yes.

13                  Q     Did he do anything with the gun while you  
14                  were in the room?

15                  A     Yes. He pointed the gun at me many times.

16                  Q     Where on your body did he point the gun?

17                  A     He pointed it at my head.

18                  Q     Did he threaten you at all while you were  
19                  inside that room?

20                  A     Yes.

21                  Q     What if anything did he say?

22                  THE INTERPRETER: I have to ask her to  
23                  repeat that again. I have to ask her what  
24                  that word is.

25                  A     He said do you know that some people would

Liu Yan Wu - People - Direct 462

2 | use a stick to put into your vagina.

3 Q Other than that threat to you, did he make  
4 any other threats to you while you were inside that  
5 room?

6 A No.

7 Q After you left that room, where if anyplace  
8 did you go?

9 A. Then I went back to the original room.

10 Q What if anything happened when you got back  
11 to the original room?

12 A Then I -- when we went back to the original  
13 room, he asked me to lie down again.

14 Q Before you left that other room, while you  
15 were in the other room, did he give you anything?

16 | A Yes.

17 Q What did he give you?

18 A After he raped me --

19 MR. SCHECHTER: Objection to the term  
20 rape.

21 THE COURT: Sustained.

22 Q Could you tell us after his penis was in your  
23 vagina.

24 MR. SCHECHTER: Objection.

25 THE COURT: Overruled.

1                   Liu Yan Wu - People - Direct 463

2                   Q     What if anything did he give you?

3                   A     He used a cloth.

4                   MR. SCHECHTER: Used --

5                   MR. KESSLER: A cloth.

6                   Q     What if anything did he do with the cloth?

7                   A     He used the cloth to wipe himself and then he  
8                   gave the cloth to me to wipe myself.

9                   MR. KESSLER: I'm sorry. I just need  
10                  one moment, your Honor.

11                  (Pause.)

12                  Q     Do you know during what was occurring in the  
13                  other room? Did this man ejaculate at all?

14                  A     Yes.

15                  Q     Do you recall if it was in your vagina or  
16                  outside your vagina?

17                  A     I don't remember.

18                  Q     When you got back into the other room, would  
19                  you tell us was your sister-in-law still there?

20                  A     Yes.

21                  Q     Did she ever leave that room after you got  
22                  back?

23                  A     Yes.

24                  Q     Where if anyplace did she go?

25                  A     She went to the other room.

Liu Yan Wu - People - Direct 464

2 Q. Did she go to the other room with the taller  
3 man or the shorter man?

4 A The tall one.

5 Q After she left to the other room with the  
6 tall man, what if anything occurred in the room you were  
7 in with the shorter man?

8           A       The tall one told me to go to the short one's  
9 bed and lie down.

Q. And did you lie down on the short one's bed?

11 A Yes.

12 Q Describe for us what if anything happened  
13 after you lied down on the shorter man's bed?

14 A The short one kept touching my lower part and  
15 pulled down my pants.

16 Q After the shorter one pulled down your pants,  
17 what if anything happened?

18 A He put his penis in my vagina.

19 Q Can you describe how you're feeling at this  
20 point in time?

21 | MR. SCHECHTER: Objection.

22 THE COURT: Overruled.

23 MR. SCHECHTER: Your Honor, can we  
24 approach for a minute?

25 THE COURT: Yes.

1 Liu Yan Wu - People - Direct 465

2 (Whereupon, a discussion was held off  
3 the record, at the side bar, among the Court,  
4 defense counsel and the assistant district  
5 attorney.)

6 THE COURT: Rephrase the question.

7 Q Could you tell us about your physical  
8 strength, how much physical strength did you have at  
9 this point in time as you were in the bed with the  
10 second man?

11 MR. SCHECHTER: Objection to the term  
12 "second man."

13 THE COURT: He's the shorter man.

14 Q The shorter man.

15 A I couldn't handle him.

16 Q What do you mean by you couldn't handle him?  
17 Would you tell us exactly why?

18 A I didn't have enough strength to push him.

19 Q After the shorter man put his penis into your  
20 vagina, what if anything occurred next?

21 A In a short while, he ejaculated.

22 Q Did there come a time that your sister-in-law  
23 came back from the other room with the taller man?

24 A Yes.

25 Q After they came back to the same room you

1                   Liu Yan Wu - People - Direct 466

2         were in what if anything was the next thing that  
3         occurred?

4         A         The tall one was lying in his bed. The short  
5         one is lying in his bed and they asked myself and my  
6         sister-in-law to lie down next to them.

7         Q         During the time that you were in this  
8         apartment at any point in time did you give either one  
9         of the two men the name of your husband?

10        A         Yes, I did.

11        Q         Was it the taller man or the shorter man?

12        A         I gave it to the tall one.

13        Q         During the time that you were in the  
14         apartment, do you recall seeing any type of phones in  
15         it?

16        A         Yes.

17        Q         Did either one of the two men use the phones  
18         in your presence?

19        A         Yes.

20        Q         Was it the taller man or the shorter man?

21        A         The tall one.

22        Q         Did you ever see the shorter man using the  
23         phones?

24        A         No.

25        Q         The taller man, could you describe his

1                   Liu Yan Wu - People - Direct 467

2                   appearance for me that you saw using the phones?

3                   A      Tall and thin.

4                   Q      Was his face round or square?

5                   MR. SCHECHTER: Objection, your Honor.

6                   THE COURT: Sustained. That's leading.

7                   Q      Can you describe his face for us, the shape  
8                   of it?

9                   A      His face was on the long side.

10                  Q      The shorter man, could you describe his face  
11                  for us?

12                  A      It was more on the round side.

13                  Q      The color of their hair, to you recall color  
14                  of their hair?

15                  A      Black.

16                  Q      Do you recall if either one of their hair was  
17                  long or short?

18                  MR. SCHECHTER: Objection. Which  
19                  gentleman are we talking about?

20                  THE COURT: Sustained.

21                  Q      Was the tall one's hair long or short on  
22                  March 31st of 1995?

23                  A      Short.

24                  Q      During the time you were in that apartment,  
25                  did you eat at all?

1                   Liu Yan Wu - People - Direct 468

2                   A      Yes.

3                   Q      Do you recall what you ate?

4                   A      I had some some noodles and I had a drink. I  
5                   had some liquid.

6                   Q      Did there come a time that you finally left  
7                   that apartment?

8                   A      Yes.

9                   Q      When you left the apartment, who if anyone  
10                  left with you?

11                  A      With my sister and the tall one and the short  
12                  one and myself, we left together.

13                  Q      Did anyone else come into the apartment after  
14                  the short one came into the apartment that you saw?

15                  A      No.

16                  Q      The tall one that you described as leaving  
17                  when you left the apartment, that the same tall person  
18                  that you initially saw in the car when you were stopped?

19                  A      Yes.

20                  Q      And is that the same tall person that was in  
21                  the other room with you while you were in the apartment?

22                  A      Yes.

23                  Q      Could you describe for us how you left the  
24                  apartment with the tall man and the short man? Where  
25                  did you go?

1                   Liu Yan Wu - People - Direct 469

2                   A     He said he was taking us somewhere to release  
3                   us, but I don't know where.

4                   Q     Who said that? The tall man or the short  
5                   man?

6                   A     The tall one.

7                   Q     And is this the same tall one that's been  
8                   with you since the car was stopped?

9                   MR. SCHECHTER: Objection, your Honor.

10                  THE COURT: Sustained as to the  
11                  form.

12                  Q     Is this the same tall man who was in the  
13                  other room with you?

14                  MR. SCHECHTER: Objection; asked and  
15                  answered.

16                  THE COURT: No, I think it's a  
17                  difficult question. Overruled.

18                  MR. SCHECHTER: What room are we talking  
19                  about?

20                  THE COURT: Pardon me?

21                  MR. SCHECHTER: There are three  
22                  different rooms.

23                  THE COURT: Do you want him to be more  
24                  specific? Be more specific.

25

1                   Liu Yan Wu - People - Direct 470

2                   Q     Is this the same tall man that put his penis  
3                   in your vagina in the other room?

4                   MR. SCHECHTER: Objection.

5                   THE COURT: Can't get more specific than  
6                   that. That's what you wanted.

7                   MR. SCHECHTER: It's been asked and  
8                   answered three times.

9                   THE COURT: Overruled.

10                  A     Repeat it again.

11                  Q     The tall man that said to you we are going to  
12                  release you, is that the same man that was in the other  
13                  room with you putting his penis into your vagina?

14                  MR. SCHECHTER: Objection.

15                  THE COURT: Overruled.

16                  A     Yes.

17                  Q     After he said we are going to release you,  
18                  where if anyplace did you go next? When you left the  
19                  apartment, where did you go?

20                  A     I went into their car and they drove me off.

21                  Q     Okay. When they got into the car, who was in  
22                  the driver's seat? The tall man or the short man?

23                  THE INTERPRETER: Can I have the  
24                  question again?

25                  Q     When you got into their car, who was in the

1                   Liu Yan Wu - People - Direct 471

2     driver's seat? The tall man or the short man?

3     A     The tall one drove.

4     Q     And where were you located in the car? In  
5     the front seat or the back seat?

6     A     In the back.

7     Q     And where was the shorter man?

8     A     He was next to the driver.

9     Q     Can you describe for us what happened after  
10    the car drove off?

11    A     After he drove off, all of a sudden there was  
12    another car that came and blocked us.

13    Q     Were you driving for a long time or a short  
14    time before that car blocked you.

15    A     Not very short, not very long.

16    Q     And after this other car blocked your car you  
17    were in --

18    A     There were a lot of people came out of their  
19    car and asked our car to stop.

20    Q     Did these people have anything with them?

21    A     They approached us and asked all of us to  
22    come out of the car.

23    Q     Did they have anything in their hands at that  
24    point?

25    A     I don't remember.

1                   Liu Yan Wu - People - Direct 472

2                   Q     Did you get out of the car?

3                   A     Yes.

4                   Q     What happened to the person who was driving  
5     the car?

6                   A     The group of people took him away.

7                   Q     Did you later learn who these group of people  
8     were?

9                   A     I know.

10                  Q     Who did you later learn them to be?

11                  A     They were policemen.

12                  Q     When they first came to the car, did you know  
13     they were policemen?

14                  A     No, I didn't.

15                  MR. KESSLER: Judge, can I approach with  
16     defense counsel for one moment?

17                  THE COURT: Yes.

18                  (Whereupon, a discussion was held off  
19     the record, at the side bar, among the Court,  
20     defense counsel and the assistant district  
21     attorney.)

22                  THE COURT: The objection -- well,  
23     nothing has been offered. Strike it.

24                  Q     We were at the point in time where the police  
25     come and stop the car you're in. I think one of my last

1                   Liu Yan Wu - People - Direct 473

2   questions was --

3                   THE COURT: Last question was did she  
4                   finally find out they were police.

5                   Q      I don't recall the answer. Did you finally  
6                   find out they were the police who stopped the car?

7                   A      Yes.

8                   Q      When they first approached the car, did you  
9                   know that they were the police?

10                  MR. SCHECHTER: Objection. I believe  
11                  it's been asked and answered.

12                  THE COURT: I'll allow it. Overruled.

13                  A      No, I didn't.

14                  Q      After the police stopped the car that you  
15                  were in, what happened to the man who was driving that  
16                  car, the tall man?

17                  MR. SCHECHTER: Objection. It's been  
18                  asked and answered.

19                  THE COURT: That's been asked and  
20                  answered. Sustained.

21                  Q      Where if anyplace did you go?

22                  A      I went into the police car.

23                  Q      And do you recall seeing where if anyplace  
24                  the tall man and the short man went?

25                  A      The group of people took him away, took them

1                   Liu Yan Wu - People - Direct 474

2 away.

3                   Q     When you say the group of people, are you  
4 referring to the police?

5                   A     Yes.

6                   Q     And were those the only two men you saw the  
7 police take away after the car was stopped?

8                   A     Yes.

9                   Q     The two men that they took away, were those  
10 the same two men that were in the apartment with you  
11 starting March 31st?

12                  MR. SCHECHTER: Objection, your Honor.

13                  That's been asked and answered.

14                  THE COURT: Overruled.

15                  A     Yes.

16                  Q     After the police took away the two men that  
17 were with you in the apartment, where if anyplace did  
18 you go?

19                  A     After they took the two men away, we went  
20 back to the basement apartment.

21                  Q     Who went with you to the basement apartment?

22                  A     Myself, my sister-in-law and the policemen.

23                  Q     After you were at the basement apartment,  
24 where if anyplace was the next place that you went? Do  
25 you recall?

1                   Liu Yan Wu - People - Direct 475

2         A       Went to the police precinct.

3         Q       And after the police precinct, do you know  
4 where you went?

5                   MR. SCHECHTER: Objection, your Honor.

6                   THE COURT: Overruled.

7         A       I went to the hospital.

8         Q       Do you recall at the hospital were you seen  
9 by a doctor?

10        A       Yes.

11        Q       Do you recall if it was a man or a woman  
12 doctor?

13        A       A male doctor.

14        Q       What if anything did the male doctor do to  
15 you while you were at the hospital?

16        A       He took my panties. He wiped my vagina,

17                   THE INTERPRETER: And there's something  
18 else she said. I will repeat that.

19        A       The doctor took my panties, he wiped my  
20 vagina and he took some urine sample.

21        Q       Do you recall what he wiped your vagina with?

22        A       He used something that can preserve what he's  
23 looking for.

24                   MR. SCHECHTER: Objection.

25                   THE COURT: Sustained.

1                   Liu Yan Wu - People - Direct 476

2                   Q     Did he go inside your vagina or was it  
3                   outside the vagina with this object?

4                   A     Inside my vagina.

5                   MR. KESSLER: Your Honor, I have the  
6                   certified medical records of Miss Liu Yan Wu.  
7                   They're certified by the keeper of the  
8                   records of New York Downtown Hospital. I  
9                   served a copy to defense counsel pursuant to  
10                  45.18. I ask they be introduced People's 2.

11                  MR. SCHECHTER: I would object. Can I  
12                  have a side bar?

13                  THE COURT: Yes.

14                  (Whereupon, a discussion was held off  
15                  the record, at the side bar, among the Court,  
16                  defense counsel and the assistant district  
17                  attorney.)

18                  THE COURT: You're objecting?

19                  MR. SCHECHTER: Yes.

20                  THE COURT: Overruled.

21                  Mark it People's 2 in evidence.

22                  (Whereupon, People's Exhibit 2 was  
23                  marked in evidence.)

24                  THE COURT: Subject to redactions.

25                  MR. KESSLER: Correct.

1                   Liu Yan Wu - People - Direct 477

2       Q     From the time the police took the tall man  
3     and the short man away, do you recall what date that  
4     was?

5       A     I remember.

6       Q     What date do you remember?

7       A     April the 2nd.

8       Q     From April 2nd, 1995, have you ever seen  
9     since that date either the tall man or the short man  
10   again?

11                  MR. SCHECHTER: Objection, your Honor.

12                  THE COURT: Overruled.

13                  MR. SCHECHTER: Your Honor, can we have  
14   a side bar?

15                  (Whereupon, a discussion was held off  
16   the record, at the side bar, among the Court,  
17   defense counsel and the assistant district  
18   attorney.)

19                  MR. KESSLER: I'll withdraw the  
20   question. I have nothing further at this  
21   time.

22                  MR. SCHECHTER: Can we come up?

23                  (Whereupon, a discussion was held off  
24   the record, at the side bar, among the Court,  
25   defense counsel and the assistant district

1                   Liu Yan Wu - People - Direct 478

2                   attorney.)

3                   THE COURT: We're going to take a short  
4                   recess. I have some other matters to take  
5                   care of. Don't discuss the case among  
6                   yourselves or with anyone else. Don't allow  
7                   anyone to discuss it in your presence. Take  
8                   the jurors.

9                   (Whereupon, the jury left the  
10                  courtroom.)

11                  THE CLERK: People versus Hai Guang  
12                  Zheng. Let the record reflect defendant his  
13                  present, defense attorney present, official  
14                  Mandarin interpreter and assistant district  
15                  attorney is also present outside the presence  
16                  of any sworn jurors at this time.

17                  Any applications at this time?

18                  MR. SCHECHTER: Yes. I wanted to put on  
19                  the record, your Honor, that I was objecting  
20                  to the introduction of the hospital record in  
21                  view of the fact that there's been no  
22                  testimony from this witness or anyone else  
23                  that that was the hospital that she went to.  
24                  For all we know, she could have gone to three  
25                  hospitals before.

1 Liu Yan Wu - People - Cross 479.

2 THE COURT: Do you have any evidence she  
3 went to any other hospital, you can present  
4 it. I'm sure it's the People's obligation  
5 under Rosario to give you all the evidence in  
6 this case. If they haven't given it to you,  
7 it doesn't exist. If it does exist, it's at  
8 their peril.

9 THE COURT: Bring the jurors.

10 (Whereupon, the jury entered the  
11 courtroom.)

12 THE CLERK: Case on trial continued.  
13 Let the record reflect presence of the  
14 defendant, defense attorney, official  
15 Mandarin interpreter, assistant district  
16 attorney, all 12 jurors, alternates.

17 Waive reading?

18 MR. SCHECHTER: So waived.

19 MR. KESSLER: So waived.

20 THE CLERK: You were previously sworn  
21 this morning and you're reminded at this time  
22 that you're still under oath. Do you  
23 understand that?

24 THE WITNESS: I do.

25 CROSS-EXAMINATION

1                   Liu Yan Wu - People - Cross 480

2 BY MR. SCHECHTER:

3 Q       Miss Wu, on March 31st of 1995, how long had  
4 you been in the United States?

5 A       One week.

6 Q       And where were you prior to coming to the  
7 United States?

8 A       In China.

9 Q       Now, you said that you came into New York by  
10 airplane and met your sister.

11                  THE COURT: I don't think that was her  
12                  testimony.

13 Q       Met her sister-in-law.

14 A       And also my mother-in-law.

15 Q       And also who?

16 A       My mother-in-law.

17 Q       Was your mother-in-law with your  
18 sister-in-law when you got picked up?

19 A       I have quite a few sister-in-laws. I don't  
20 know which one you meant.

21 Q       Who met you at the airport on March 31st?

22 A       My youngest sister-in-law.

23 Q       What is her name?

24 A       Jin Hao Liu.

25 Q       Were any other members of your family or your

1                   Liu Yan Wu - People - Cross 481

2                   husband's family at the airport at that time?

3                   A        No.

4                   Q        Was anyone with your sister-in-law when you  
5                   got picked up?

6                   A        The driver of the limo.

7                   Q        Now, you got into the limo first and then you  
8                   were driving a while before something else happened?

9                   A        Yes.

10                  Q        Okay. Can you tell us approximately how long  
11                  you were driving before another car stopped your car.

12                  A        Not very long a drive, but I don't remember  
13                  how long.

14                  Q        Do you know whether -- when your car got  
15                  stopped, do you know what a highway is?

16                  A        I'm not sure.

17                  Q        Were you still in the airport when your car  
18                  was stopped, if you know?

19                  A        Seems like we had left the airport.

20                  Q        Were you on a highway? Were there -- were a  
21                  lot of cars going fast?

22                  MR. KESSLER: Objection to the term  
23                  highway, Judge. She indicated she doesn't  
24                  know that term.

25                  THE COURT: Sustained.

1                   Liu Yan Wu - People - Cross 482

2                   Q     Were you on a road where a lot of cars were  
3                   going fast?

4                   A     I don't remember that.

5                   Q     Can you tell us -- withdrawn.

6                   Was it dark out when you were in the car?

7                   A     Yes.

8                   Q     And when you got out of the car, were there  
9                   any lights there?

10                  A     I don't remember these things.

11                  Q     Okay. Now, while you were in the limo and  
12                  got out of the limo and got into the other car, were  
13                  there other cars going passed you?

14                  A     How can I remember so much details?

15                  Q     Where in the cab or limo car were you seated?

16                  A     I was behind the driver.

17                  Q     In the back seat?

18                  A     In my car, I was in the front.

19                  Q     Withdrawn. You said someone got out of the  
20                  other car and had a gun on you?

21                  A     Yes.

22                  Q     Where was that person standing when you said  
23                  he had the gun on you?

24                  A     By the car window.

25                  Q     The driver's car window or the passenger's

1                   Liu Yan Wu - People - Cross 483

2                   car window.

3                   A       On the passenger side.

4                   Q       After you got out of the car -- well, can you  
5                   describe the gun?

6                   A       No, I can't.

7                   Q       Can you describe the cover of the gun?

8                   A       No, I can't.

9                   Q       The person who had that gun pointed at you,  
10                  did you see where he got into the second car?

11                  A       He sat next to the driver.

12                  Q       So he would have been the one in the  
13                  passenger seat?

14                  A       Yes.

15                  Q       Now, you remember what color car you got  
16                  into?

17                  A       Not very clear about the car.

18                  Q       Okay. Well, would it help refresh your  
19                  recollection, do you remember testifying on July 17th  
20                  before the grand jury?

21                  THE COURT: Are you asking this to  
22                  refresh the witness' recollection?

23                  MR. SCHECHTER: Yes.

24                  THE COURT: What was the answer?

25                  MR. SCHECHTER: Does she remember

1                   Liu Yan Wu - People - Cross 484

2                   testifying?

3                   THE INTERPRETER: Yes.

4                   Q     Do you remember being asked this question  
5                   giving this answer page 5, line 16: Question, -- well,  
6                   withdrawn, line 13.

7                   "QUESTION: Did you leave your car and go to  
8                   another car?

9                   "ANSWER: Yes, we left our car."

10                  A     I remember.

11                  Q     Okay. You remember giving that answer?

12                  A     Yes, I remember I went to the next car.

13                  THE COURT: No, no. That's not the  
14                  question. Does she remember giving that  
15                  answer to that question?

16                  THE INTERPRETER: Yes.

17                  Q     The next question, what color car did you go  
18                  into?

19                  "ANSWER: White.

20                  You remember being asked that question and  
21                  giving that answer?

22                  A     I told them it looks like it's white.

23                  Q     Does that help refresh your recollection  
24                  about what color car you got into on the evening have  
25                  March 31st?

1                   Liu Yan Wu - People - Cross 485

2                   A     I can just say that it looks like it. I'm  
3                   not sure.

4                   Q     Okay. Now, you said when you were in the  
5                   second car someone asked you where you were coming from?

6                   A     Yes.

7                   Q     Was that the driver of the car or the  
8                   passenger of the car?

9                   A     The one on the passenger side.

10                  Q     And did he have a gun at that time?

11                  A     They both had guns.

12                  Q     Now, when he was asking you the question, was  
13                  the car moving?

14                  A     Yes.

15                  Q     And you told him you came from Los Angeles.

16                  A     Yes.

17                  Q     And your husband told him you came from Los  
18                  Angeles?

19                  A     Yes.

20                  Q     And did you show him the documents, your  
21                  passports at that time?

22                  A     Yes, we did.

23                  Q     Did all the questions that were asked of you  
24                  while you were in that car asked by the passenger?

25                  A     The driver had asked questions also.

1                   Liu Yan Wu - People - Cross 486

2                   Q     What questions did the driver ask?

3                   A     The same question where are we coming from  
4 and where are we going.

5                   Q     At any time were you ever asked about money  
6 while in the car?

7                   A     No.

8                   Q     Can you approximate how long you were driving  
9 before your husband was let out of the car?

10                  A     I don't remember.

11                  Q     Was your husband given anything when he left  
12 the car?

13                  A     Yes.

14                  Q     What was he given?

15                  A     He gave him quarter.

16                  Q     Was he given anything else?

17                  A     And a piece of paper.

18                  Q     Did you see what was on that paper?

19                  A     It's a telephoning number.

20                  Q     Now, had you ever seen either of those two  
21 men before?

22                  A     No.

23                  Q     Now, there came a time you went into a  
24 basement apartment, am I correct?

25                  A     Yes.

1                   Liu Yan Wu - People - Cross 487

2                   Q     Now, you stated that prior to one of the men  
3     leaving and a third person coming you were once again  
4     asked to see your document?

5                   A     Yes.

6                   Q     And were you asked that by the person who had  
7     been in the passenger seat of the car?

8                   A     I don't remember if it's the driver or the  
9     passenger side.

10                  Q     Were you ever asked about money at that time?

11                  A     We were very scared. We asked them if they  
12     wanted money.

13                  Q     Excuse me?

14                  A     We were very scared. We asked them if they  
15     wanted money.

16                  Q     And what was the answer?

17                  A     They said yes.

18                  Q     Do you remember who said that?

19                   THE COURT: Who said what?

20                   MR. SCHECHTER: Who said yes wanting  
21     money.

22                  A     It was one of the two of them.

23                  Q     Now, the person who left the apartment, did  
24     he leave before or after the third person arrived?

25                  A     The third person came in. Then the second

1 Liu Yan Wu - People - Cross 488

2 person went out.

3 Q Now, the person who left, was that the  
4 passenger of the car or the driver of the car?

5 A The passenger side one.

6 Q Did you see what he did with the gun that he  
7 had?

8 A The passenger one you mean?

9 Q Yes.

10 A I know he left, but I don't know if he had  
11 the gun on him.

12 Q Well, do you remember being asked these  
13 questions and giving these answers to help you refresh  
14 your recollection about what happened to that gun on  
15 July 17th when you testified in the grand jury? Page 7,  
16 line 23.

17 "QUESTION: Were the two men that were with  
18 you in the car with you in the basement both of them?

19 "ANSWER: Soon after the two guys took us  
20 into the basement, another one arrived."

21 Do you remember being asked that question and  
22 giving that answer?

23 A Yes.

24 Q "QUESTION: What happened when he arrived?

25 "ANSWER: After the third person arrived, the

1                   Liu Yan Wu - People - Cross 489  
2 original two people, one of the two took out his gun,  
3 loaded the bullets and unloaded the bullets out of the  
4 gun and give the gun to the third person and he himself  
5 took a shower and then he left.

6                   Do you remember being asked that question and  
7 giving that answer?

8                   THE INTERPRETER: Can you make that --

9                   THE COURT: Break it down.

10                  THE INTERPRETER: Break it down.

11                  MR. SCHECHTER: Your Honor, do you have  
12 any objection if I give the translator this  
13 so she can read it directly?

14                  THE COURT: Unless Mr. Kessler.

15                  MR. KESSLER: No. I think that's the  
16 proper way to do it rather than out loud.  
17 Have the interpreter read it to the witness  
18 and see if it refreshes her recollection.

19                  MR. SCHECHTER: Line 3.

20                  THE COURT: Do you have an objection,  
21 Mr. Schechter, if he does it that way?

22                  MR. SCHECHTER: She can just read it in  
23 Chinese.

24                  THE COURT: I have to get it on the  
25 record.

1 Liu Yan Wu - People - Cross 490

2 MR. SCHECHTER: I have no objection if  
3 she just read it in Chinese to the witness.

4 THE INTERPRETER: Which one?

5 Q Line 3.

6 THE INTERPRETER: Line 3.

7 THE COURT: Let the record show that the  
8 translator his reading the grand jury minutes  
9 to the witness.

10 A Yes.

11 Q Remember being asked that question and giving  
12 that answer?

13 A Are you asking -- you're asking me about the  
14 grand jury minutes?

15 Q Right. Do you remember being asked that  
16 question in the grand jury and giving that answer?

17 A On July 17th I remember more. Right now I  
18 forgot a lot of things.

19 MR. SCHECHTER: Okay. Well, now, Mr.  
20 Kessler, will you stipulate that that's what  
21 the question was asked and the answer given?

22 MR. KESSLER: Yes.

23 Q Now, after reading that or having that read  
24 to you, does that help you remember what happened to the  
25 gun that the passenger in the car had?

1                   Liu Yan Wu - People - Cross 491

2         A     I remember the gun was given to the third  
3     person.

4         Q     Okay. Thank you. During the time that you  
5     were in the apartment, did you have anything to eat?

6         A     Yes.

7         Q     How many different times did you have food?

8         A     How can I remember so much?

9         Q     If you don't remember, just say you don't  
10    remember?

11      A     Okay.

12      Q     Okay. You don't remember?

13      A     I don't remember.

14      Q     Now, can you tell the members of the jury how  
15    long you were in the basement apartment?

16      A     They took us in the evening, they took us  
17    into the apartment that night. The morning and into the  
18    night again.

19      Q     Now, while you were in the apartment, did  
20    either one of the two people after -- well, withdrawn.

21      After one of the gentlemen left, you said there  
22    were still two people in the apartment?

23      A     Yes.

24      Q     From that time, did any of the two men ever  
25    leave the apartment?

1                   Liu Yan Wu - People - Cross 492

2                   A     You mean when we were in the apartment until  
3     we left the apartment?

4                   Q     Yes.

5                   A     One person left.

6                   Q     Do you remember when he left? Was it in the  
7     morning, afternoon, evening, first evening?

8                   A     In the morning he left once. In the evening  
9     he went out again and later in the night he went out  
10   again.

11                  Q     Now, was that -- you described the two people  
12   in the apartment as one taller, one shorter?

13                  A     Yes.

14                  Q     Did the same person leave all three times?

15                  A     Yes, same person.

16                  Q     Was that the tall one or the shorter one?

17                  A     The tall one.

18                  Q     And do you know for how long he went out the  
19   first time?

20                  A     I don't remember.

21                  Q     The second time?

22                  A     Don't remember.

23                  Q     Third time?

24                  A     Everytime he went out, it wasn't a long time.

25                  Q     Now, you said that there were phones in the

1                   Liu Yan Wu - People - Cross 493

2 apartment?

3                   A      Yes.

4                   Q      Did they receive any calls into the  
5 apartment?

6                   A      Are you talking about the day did they  
7 receive any calls? Are you saying that they received  
8 any calls.

9                   Q      Yes, did they receive any calls?

10                  A      Yes.

11                  Q      And could you tell the members of the jury  
12 did they receive a lot of phone calls?

13                  A      Yes. And they called out a lot of calls too.

14                  Q      At any time with the three different men that  
15 there were two in the car and then the third gentleman  
16 came to the basement, did you have hear any names used  
17 between the men?

18                  A      No.

19                  Q      You said there came a time that you went into  
20 a -- well, withdrawn. The first room that you were in  
21 that first evening, how many beds were in that room?

22                  A      Two beds.

23                  Q      You said there came a time you went into a  
24 second bedroom?

25                  A      Yes.

1                   Liu Yan Wu - People - Cross 494

2                   Q     Were there any beds in that bedroom?

3                   A     No.

4                   Q     Now, when you were in the second bedroom, you  
5     said the taller man that you were fighting with the  
6     taller man, am I correct?

7                   A     Yes.

8                   Q     Did he ever hit you?

9                   A     No.

10                  Q     Did he ever kick you?

11                  A     You mean with his foot?

12                  Q     Yes.

13                  A     No.

14                  Q     You said you were resisting him?

15                  A     Yes.

16                  Q     While you were resisting him, is that when he  
17     pointed the gun at you?

18                  A     When I resist him that time, he pointed the  
19     gun at me.

20                  Q     And then was he continued -- did he continue  
21     to point the gun at you?

22                  A     Yes.

23                  Q     And you still continued to resist?

24                  A     Yes.

25                  Q     And were you afraid?

1                   Liu Yan Wu - People - Cross 495

2                   A      Yes.

3                   Q      Isn't it correct that he was only able that  
4      -- withdrawn.

5                   Isn't it correct you said that you didn't remember  
6      -- withdrawn.

7                   Because of your struggling, isn't it correct that  
8      he ejaculated out of your vagina, not in your vagina?

9                   A      I don't remember very well.

10                  Q      Well, do you remember being asked this  
11     question on July 17th and giving this answer when  
12     describing the incident with the taller man in the  
13     second bedroom? Page 14, line 25 or line 23. Excuse  
14     me.

15                  "QUESTION: What happened after part of his  
16     penis went into your vagina?

17                  "ANSWER: As a result of my struggles, he  
18     could not put the whole penis in my vagina. I feel he's  
19     trying to ejaculate out of my vagina."

20                  Remember being asked that question and giving that  
21     answer?

22                  A      I kept resisting.

23                  THE COURT: The question is does she  
24     remember giving that answer to that question?

25                  A      He ejaculated near my vagina.

1                   Liu Yan Wu - People - Cross 496

2                   Q     Near. Well, the question was do you remember  
3     being asked that question and giving that answer.

4                   A     Right now I don't remember.

5                   MR. SCHECHTER: Am I correct --

6                   well, Mr. Kessler will you stipulate  
7     that's what the grand jury minutes say?

8                   MR. KESSLER: Sure.

9                   Q     Am I correct in saying your memory was better  
10   on July 17th what happened than today?

11                  A     Yes.

12                  Q     You said there came a time -- when did you  
13   give a phone number to the two men or did your  
14   sister-in-law give the phone number?

15                  A     My sister-in-law gave it to them.

16                  Q     Earlier when you said the first time you were  
17   in the basement before the passenger left, you had asked  
18   them if they wanted money. Was any amount of money  
19   discussed?

20                  A     You mean the three persons one of them asked  
21   me that?

22                  Q     Well, you said when you got into the basement  
23   apartment you were asked for your documents and you  
24   asked them if they wanted money?

25                  A     Yes.

1                   Liu Yan Wu - People - Cross 497

2                   Q     Was any amount of money discussed that they  
3     wanted?

4                   A     Yes.

5                   Q     How much?

6                   A     They want \$30,000.

7                   Q     And you don't remember who said that?

8                   MR. KESSLER: Objection. Asked and  
9     answered.

10                  THE COURT: Overruled. I'll allow it.

11                  It's cross-examination.

12                  A     Out of the three, I don't know which one.

13                  Q     Okay. You said you ate some food also and  
14     some liquid. When was that?

15                  A     You mean when we had the food?

16                  Q     Yes.

17                  A     I don't remember.

18                  Q     You said the taller one. While you were in  
19     the room with the taller one, he had a gun. Can you  
20     describe the gun?

21                  A     All I know it was a short one.

22                  Q     While you were in the apartment, did you see  
23     any other guns?

24                  A     By the persons had guns.

25                  Q     When you left the apartment, were the two

1                   Liu Yan Wu - People - Cross 498

2        guns still in the apartment if you know?

3                   MR. KESSLER: Objection.

4                   THE COURT: If she knows overruled.

5        A      I don't know.

6        Q      When you left the apartment, did you see  
7       either of the two men take any guns with them?

8        A      I don't know.

9        Q      But you said that they told you that you were  
10     going to be released when they -- when you left the  
11     apartment?

12      A      Yes.

13      Q      Now, after you said you went back to the  
14     apartment with the police?

15      A      Yes.

16      Q      Did you go into the apartment?

17      A      No.

18      Q      Did you have any conversation -- withdrawn.  
19     Was there anyone there with the police who spoke  
20     Chinese?

21      A      No Chinese spoken.

22      Q      What dialect of Chinese do you speak?

23      A      The police that were there.

24                   THE COURT: No, no that's not the  
25     question.

1                   Liu Yan Wu - People - Cross 499

2                   THE INTERPRETER: That's what she said.

3                   THE COURT: Listen to the question.

4                   THE INTERPRETER: She

5                   misunderstood.

6                   Q         What dialect of Chinese do you speak?

7                   A         I spoke Cantonese.

8                   Q         When you were -- when you were back at the  
9                   apartment at the basement apartment, did you have any  
10                  conversations with any of the policemen at that time?

11                  A         You mean talking to the police?

12                  Q         Yeah?

13                  A         You mean at the car?

14                  Q         When you were by the basement apartment with  
15                  the police?

16                  A         Yes.

17                  Q         When prior to the time you boarded the  
18                  airplane to go to Los Angeles -- to go to New York with  
19                  your husband did you last have sexual relations with  
20                  your husband?

21                  THE INTERPRETER: Could I have that  
22                  question again? Could I have that question  
23                  again?

24                  THE COURT: Well, let the Court  
25                  Reporter.

1 Liu Yan Wu - People - Cross 500

2 (Whereupon, the Court Reporter read back  
3 the requested portion.)

4 A Yes, I did.

5 Q When was the last time before you got on the  
6 airplane?

7 A You mean before?

8 Q Yes.

9 A How do I remember so accurate?

10 Q Well, would it refresh your recollection that  
11 when you were speaking to the doctor that you told him

12 --

13 THE COURT: Wait a minute. Step up.

14 (Whereupon, a discussion was held off  
15 the record, at the side bar, among the Court,  
16 defense counsel and the assistant district  
17 attorney.)

18 Q When you were at the hospital, did the doctor  
19 ask you when the last time you had sexual relations with  
20 your husband?

21 A Ask me when?

22 Q Yes.

23 A 29th evening.

24 THE COURT: No. That's not the  
25 question. The question is did the doctor at

1                   Liu Yan Wu - People - Cross 501

2                   the hospital ask you when the last time you  
3                   had sex with your husband?

4                   THE WITNESS: The 29th evening.

5                   THE COURT: No. It's either a yes or no  
6                   answer or will you accept that answer?

7                   MR. SCHECHTER: I don't know what the  
8                   answer --

9                   THE COURT: She said night of the 29th.

10                  MR. SCHECHTER: I'll accept that as an  
11                  answer.

12                  Q      That's March 29th?

13                  A      Yes.

14                  THE COURT: All right.

15                  MR. SCHECHTER: May I just have one  
16                  moment?

17                  THE COURT: Yes.

18                  Q      When you were in the bedroom with the taller  
19                  man, did you see if he had any bruises or marks on his  
20                  lower area in his genital area?

21                  A      No.

22                  Q      No he did not have any or you did not see?

23                  A      How would I notice things like that?

24                  MR. SCHECHTER: One moment.

25                  (Pause.)

1 Jin Zho Liu - People - Direct 502

2 MR. SCHECHTER: I have no further  
3 questions, your Honor.

4 THE COURT: Nothing?

5 MR. KESSLER: No.

6 THE COURT: Okay. You can step down.  
7 Call your next witness.

8 MR. KESSLER: People call Jin Zho Liu.

9 Actually, Judge, could I have just one  
10 moment?

11 (Pause.)

12 THE INTERPRETER: Can I tell her that  
13 I'm interpreting for her?

14 J I N Z H O L I U, a witness called on behalf of the  
15 People, after having been first duly sworn by the Clerk  
16 of the Court, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. KESSLER:

19 Q Miss Liu, can you tell us how old you are?

20 A 26 years old.

21 Q And what do you do for a living?

22 A I work in garment factory.

23 Q How long have you done that?

24 A I've worked there for six years.

25 Q Do you recall the date of March 31st, 1995?

1                   Jin Zho Liu - People - Direct 503

2                   A     I remember.

3                   Q     Could you tell us what the plans were for  
4     March 31st, 1995?

5                   A     To go to the airport to meet my brother and  
6     my sister-in-law.

7                   Q     Were you to go to the airport?

8                   A     No.

9                   Q     Who went to the airport?

10                  A     My younger sister.

11                  Q     What's her name?

12                  A     Law Com Ho (phonetic).

13                  Q     What's your brother his name?

14                  A     Liu Juo Pang.

15                  Q     Now, did there come a time that your brother  
16     returned to your home?

17                  A     I mean that day.

18                  Q     Yeah, did he ever come back by himself to  
19     your home? Yes or no?

20                  MR. SCHECHTER: Objection, your Honor.

21                  There's been no testimony he was ever at the  
22     home.

23                  THE COURT: No. Sustained as to the  
24     form of the question. Rephrase the question.

25                  Q     Did you ever see your brother that day? Yes

1                   Jin Zho Liu - People - Direct 504

2                   or no?

3                   A      Yes.

4                   Q      Did he come back by himself or was he with  
5                   anyone when he initially came home?

6                   A      He came back with another person.

7                   Q      Did you have a conversation with your brother  
8                   at that time without telling us what was said?

9                   A      Yes.

10                  Q      The other person that was with him, do you  
11                  know what that person did for a living?

12                  A      He does car service.

13                  Q      When your brother came back, did he have  
14                  anything with him?

15                  A      No.

16                  Q      When your brother came back, where was the  
17                  next place that you went?

18                  A      I went with my brother to the precinct.

19                  Q      Before going to the precinct, did you make  
20                  any phone calls?

21                  A      Yes.

22                  Q      Could you tell me where did you get the  
23                  numbers that you called?

24                  A      The call, the phone number was to call car  
25                  service.

1 Jin Zho Liu - People - Direct 505

2 MR. SCHECHTER: Objection.

3 THE COURT: Sustained. Sustained.

4 Q The question is where did she get the  
5 telephone numbers that she made the calls to?

6 A I got it from the newspaper.

7 Q Do you remember who you called?

8 MR. SCHECHTER: Objection.

9 THE COURT: Overruled. Just yes or no.

10 A Yes.

11 Q Who did you call?

12 MR. SCHECHTER: Your Honor, can we have  
13 a side bar?

14 THE COURT: Yes.

15 (Whereupon, a discussion was held off  
16 the record, at the side bar, among the Court,  
17 defense counsel and the assistant district  
18 attorney.)

19 THE COURT: Let the record show we had a  
20 side bar and I indicated that because of the  
21 language difficulty, I'm giving the district  
22 attorney some leeway in asking these  
23 questions with a limit.

24 MR. SCHECHTER: Subject to striking,  
25 your Honor, if it's not relevant.

1 Jin Zho Liu - People - Direct 506

2 THE COURT: Absolutely.

3 MR. SCHECHTER: Thank you.

4 Q The number that you called that you got from  
5 the newspaper?

6 A Yes.

7 Q What was the number -- who were you calling  
8 and why were you calling that number?

9 MR. SCHECHTER: Objection to why.

10 THE COURT: Sustained. Who did you  
11 call?

12 A I went to -- I called the taxi company.

13 Q Is that the same taxi company?

14 MR. SCHECHTER: Objection to the  
15 leading.

16 THE COURT: I'm going to allow it.

17 Q Is that the same taxi company that you used  
18 to pick up your brother?

19 A Yes.

20 Q Did you make any other phone calls after you  
21 saw your brother?

22 A No.

23 Q Did your brother give you any phone numbers  
24 to call?

25 MR. SCHECHTER: Objection to the

1                   Jin Zho Liu - People - Direct 507

2                   leading.

3                   THE COURT: Overruled. I'll allow it.

4                   A     You mean before we went to the precinct?

5                   Q     Either before or after.

6                   A     Yes.

7                   Q     Was that before or after?

8                   A     After.

9                   Q     Did you call those numbers that he gave you  
10                  after you went to the police?

11                  A     Yes.

12                  Q     Would you tell us about what happened as you  
13                  called those -- strike that.

14                  Did you call each and everyone of the numbers?

15                  THE COURT: How many numbers are we  
16                  talking about?

17                  Q     How many numbers were there?

18                  A     Four numbers.

19                  Q     Did you call all four?

20                  A     Yes.

21                  Q     Can you tell us what were the numbers for?

22                  Did you speak to anyone?

23                  MR. SCHECHTER: Objection, your Honor  
24                  can we have --

25                  THE COURT: Step up.

1 Jin Zho Liu - People - Direct 508

2 (Whereupon, a discussion was held off  
3 the record, at the side bar, among the Court,  
4 defense counsel and the assistant district  
5 attorney.)

6 Q Did anything result after you called each of  
7 these four numbers?

8 A Third of them was wrong number. Three --

9 MR. SCHECHTER: I'm going to object.

10 THE COURT: Sustained. It's capable of  
11 a yes or no answer. The question is being  
12 asked to elicit a yes or no answer.

13 Q The question is -- the question is when you  
14 add up all the four numbers you called, did anything  
15 result -- did anything happen as a result of you calling  
16 all four of those numbers? Yes or no?

17 A No.

18 Q Did there come a point in time that your  
19 phone began ringing?

20 A Yes.

21 Q The time that your phone began ringing, was  
22 there anyone else in your home at that point in time?

23 A Yes.

24 Q Who was in your home?

25 A People in my family and the police.

1 Jin Zho Liu - People - Direct 509

2 Q The phone calls that you started receiving,  
3 could you tell us in sum and substance what they were  
4 about?

5 MR. SCHECHTER: Objection.

6 THE COURT: Overruled.

7 A The phone conversations about wanting money  
8 from us and they said they picked up the wrong two  
9 persons.

10 Q Continue. What else happened in sum and  
11 substance during those phone conversations?

12 A They said they wanted money.

13 Q Did they say how much money?

14 A In the beginning they want \$20,000 each.

15 Q Did you have any instructions at that point  
16 in time?

17 A Not yet.

18 Q After they asked for \$20,000, did you ever  
19 receive another phone call?

20 A Yes.

21 Q Tell us what happened initially after they  
22 asked for the \$20,000 during your phone conversations?

23 A I asked them can they lower the money.

24 MR. SCHECHTER: Your Honor, can we have  
25 a side bar?

1 Jin Zho Liu - People - Direct 510

2 THE COURT: Yes.

3 (Whereupon, a discussion was held off  
4 the record, at the side bar, among the Court,  
5 defense counsel and the assistant district  
6 attorney.)

7 THE COURT: The objection is overruled.

8 MR. SCHECHTER: Your Honor, I'll be able  
9 to make a record afterwards?

10 THE COURT: Yes.

11 Q I think I was at the point where you had  
12 indicated that the initial amount was 20,000 and that  
13 you had further conversations with them after the 20,000  
14 amount. Can you tell us what else you heard in sum and  
15 substance after they initially asked for 20,000?

16 THE COURT: You say "they." You mean  
17 the person on the other end of the phone?

18 Q The person on the other end of the phone.

19 A They asked me not to report to the police.

20 Q What else happened during these  
21 conversations?

22 A The phone conversation said, "Don't be smart.  
23 If you don't obey us, we could sell you or we could kill  
24 you."

25 Q Do you recall anything else that was said by

1                   Jin Zho Liu - People - Direct 511

2         the person on the other end of the phone during these  
3         conversations?

4         A         I don't remember more.

5         Q         I'm sorry?

6         A         I don't remember anymore.

7         Q         Did there come a time after that conversation  
8         that there was additional conversation you had with the  
9         person on the other end of the phone about another  
10        amount of money?

11        A         Yes.

12        Q         Can you tell us about the next amount of  
13        money you spoke about and what occurred during that  
14        conversation?

15        A         He said now \$15,000 for the both of them.

16        Q         Were you given any other instructions other  
17        than the \$15,000?

18        A         Yes.

19        Q         Can you tell us what they were?

20        A         He told me to put the money into a tea can,  
21        buy some vegetable, buy some fish and buy some chicken,  
22        put it in a bag. Don't make the bag too neat. Make it  
23        a little sloppy.

24        Q         What were you supposed to do with the bag?

25        A         He told me to take the bag to give it to

1                   Jin Zho Liu - People - Direct 512

2 another person.

3                   Q     Did he give you an address to give it to the  
4 other person?

5                   A     Yes.

6                   Q     What was the address?

7                   A     217 Henry Street.

8                   Q     After that conversation, did you ever get the  
9 money together?

10                  A     Yes.

11                  Q     And where did you get the money from?

12                  A     We had it from friends and relatives.

13                  Q     How much money did you get together?

14                  A     \$15,000.

15                  Q     Once you had the \$15,000 together, what did  
16 you do with it?

17                  A     He told me to go to a specific address.

18                  Q     And did you go to that address?

19                  A     Yes.

20                  Q     And did you have the \$15,000 with you?

21                  A     Yes.

22                  Q     What about the tea can? Did you have that as  
23 well?

24                  A     Yes.

25                  Q     Where was the money.

1                   Jin Zho Liu - People - Direct 513

2                   A     It was in the tea can.

3                   Q     And did there come a time that you went to  
4     217 Henry Street with the money in the tea can?

5                   A     Yes.

6                   Q     And what did you do with the tea can and the  
7     money once you got to 217 Henry Street?

8                   A     I put it in a bag.

9                   Q     And then what did you do with it?

10                  A     I gave it to the person that he told me to  
11     give it to.

12                  Q     When you say he told you to give it to, what  
13     did the person say and what did you say to the person?

14                  MR. SCHECHTER: Objection, your Honor.

15                  THE COURT: Step up.

16                  (Whereupon, a discussion was held off  
17     the record, at the side bar, among the Court,  
18     defense counsel and the assistant district  
19     attorney.)

20                  THE COURT: All right. Would you make  
21     it clear for the record? Two conversations  
22     you're talking about?

23                  Q     When you got to 217 Henry Street and you  
24     turned the bag over to this person, what did you say to  
25     that person?

1 Jin Zho Liu - People - Direct 514

2 A I asked him did someone tell you to come to  
3 meet us.

4 Q What did he say?

5 A He said yes.

6 Q Did you give him the bag at that point?

7 A Yes.

8 Q To your knowledge, was there any police  
9 around you at the time you delivered the bag?

10 MR. SCHECHTER: Objection.

11 THE COURT: Overruled.

12 A I don't know.

13 Q Were the police in your apartment when you  
14 were getting the \$15,000 together?

15 A Yes.

16 Q Did you ever get the \$15,000 back after you  
17 had delivered it to that person?

18 MR. SCHECHTER: Objection.

19 THE COURT: Overruled.

20 A After I found my sister, we had it back.

21 MR. KESSLER: I have nothing further.

22 THE COURT: Cross-examination.

23 MR. SCHECHTER: Your Honor, can we -- it  
24 is now almost a quarter to 1. I'm going to  
25 ask for some time.

1 Jin Zho Liu - People - Direct 515  
2

3 THE COURT: I'll give you five minutes  
4 and then we'll start the cross-examination.  
5 I want to move this along, please.

6 MR. SCHECHTER: Can I have a side bar?

7 THE COURT: Yes.  
8

9 (Whereupon, a discussion was held off  
10 the record, at the side bar, among the Court,  
11 defense counsel and the assistant district  
12 attorney.)  
13

14 THE COURT: We'll recess now for lunch.  
15 Don't discuss the case among yourselves or  
16 with anyone else. Don't let anyone discuss  
17 it with you. Report back to where the Court  
18 Officer tells you at 2 o'clock. Have a nice  
19 lunch. Don't come to the courtroom.  
20

21 (Whereupon, the jury left the  
22 courtroom.)  
23

24 THE COURT: The jurors have left the  
25 courtroom. The witness is excused until 2  
o'clock. Don't talk to anybody about this  
case. 2 o'clock.

All right. You want to place some  
things on the record, go ahead.

MR. SCHECHTER: Okay, your Honor. I

1 Jin Zho Liu - People - Direct 516  
2 objected to this witness testifying to any  
3 phone conversations she had with unknown  
4 parties concerning demands for money.

5 There's been nothing linking my client to  
6 those phone calls or as such, that he was  
7 part and parcel of those phone calls.

8 There's been nothing introduced up to this  
9 day that would show she should be able to  
10 testify as to what these other people told  
11 her.

12 My client also not charged with  
13 conspiracy to commit any crime which would  
14 allow hearsay to come in. As such, I would  
15 move to strike her entire direct testimony.

16 THE COURT: You want to be heard?

17 MR. KESSLER: Briefly, Judge. The  
18 witness' connection to the ransom demands  
19 comes from a number of sources. One: The  
20 phone call number being given to the kidnaper  
21 by the women. Two: The fact that the women  
22 initially were asked for an amount of money.  
23 Also, the kidnaping demands themselves for  
24 money his res gesti because that was one of  
25 the charges on my indictment where I have to

1 Jin Zho Liu - People - Direct 517

2 prove that it was for ransom which is one of  
3 the elements of the crime that it was for a  
4 monetary amount, so these phone calls are the  
5 res gesti itself of this ransom demand.

6 Also, there were occasions that the taller  
7 one was the person making all the phone calls  
8 and one of the witnesses identified the  
9 defendant as being the person who was on the  
10 phone making the phone calls. So with regard  
11 to connecting them to this case, every single  
12 connection that could possibly be made that  
13 he's the individual or they were the  
14 individuals calling for the ransom of these  
15 two women.

16 THE COURT: Objection overruled.

17 MR. SCHECHTER: Respectfully except.

18 THE COURT: Of course. Anything else?

19 MR. SCHECHTER: No.

20 THE COURT: You mentioned something  
21 about evidence?

22 MR. SCHECHTER: Well, your Honor --

23 THE COURT: To cross-examine this  
24 witness?

25 MR. SCHECHTER: At the beginning of the

1                   Jin Zho Liu - People - Direct 518  
2  
3                   trial, Mr. Kessler turned over to me what he  
4                   said was all the Rosario material except for  
5                   the one possible. I have not received any  
6                   vouchers or copies of any money or  
7                   photocopies of any money and I would not have  
8                   the -- I obviously will not have an  
9                   opportunity to view any money because from  
10                  this testimony was returned to this lady,  
11                  your Honor.

12                  As such, I believe that my client has  
13                  been prejudiced by the return of any money  
14                  and I believe sanctions should be imposed  
15                  against the district attorney for turning  
16                  over money back to a witness in a kidnaping  
17                  where an alleged ransom was paid where it was  
18                  not done I assume by Court order.

19                  MR. KESSLER: Actually we saved \$100,  
20                  but if he wants to see that, it's also part  
21                  of the voucher material and the photocopy of  
22                  the money was done by the police department  
23                  so that the family could have the money to  
24                  give back. The money is merely a piece of  
25                  paper. We just transferred it to another  
                        piece of paper, but I have a copy of the

1 Jin Zho Liu - People - Direct 519

2 hundred dollars saved and initialed by the  
3 detective and I also have a copy of all the  
4 photostated 15,000 as well as the tea can and  
5 the bag it was in. They're all up --

6 THE COURT: He says he never got any  
7 vouchers.

8 MR. KESSLER: It's actually on a  
9 voucher. Hard to see. It's a double  
10 voucher.

11 THE COURT: Before 2 o'clock both of you  
12 get together and straighten it out.

13 L U N C H E O N R E C E S S .

14 A F T E R N O O N S E S S I O N .

15 THE COURT: THE CLERK: Case on trial  
16 continued, 3282 of '95, People versus Hai  
17 Guang Zheng. Let the record reflect the  
18 presence of defendant, defense attorney,  
19 official Mandarin interpreter and assistant  
20 district attorney outside the presence of the  
21 sworn jurors.

22 Any applications before the jurors are  
23 brought?

24 MR. KESSLER: No.

25 (Whereupon, the jury entered the

1 Jin Zho Liu - People - Cross 520

2 courtroom.)

3 THE CLERK: Case on trial continued.

4 Let the record reflect the presence of the  
5 defendant, defense attorney, interpreter,  
6 assistant district attorney, 12 regular, four  
7 alternate jurors.

8 Waive reading of the roll?

9 MR. KESSLER: So waived.

10 MR. SCHECHTER: So waived.

11 THE COURT: Good afternoon, ladies and  
12 gentlemen. We'll continue. You may  
13 cross-examine.

14 You were previously sworn this morning  
15 and you're reminded at this time you're still  
16 under oath. Do you understand that?

17 CROSS-EXAMINATION

18 BY MR. SCHECHTER:

19 Q Miss Liu, are you a United States citizen?

20 A Yes.

21 Q Were you born in the United States?

22 A No,

23 Q How long have you lived in the United States?

24 A Seven years.

25 Q And how many years have you lived in New

1                   Jin Zho Liu - People - Cross 521

2         York?

3         A      Seven years.

4         Q      Now, on March 31st, were you the person who  
5                   called the car service to take your younger sister to  
6                   the airport?

7         A      I don't remember.

8         Q      Remember what day of the week March 31st was?

9         A      I don't remember very well.

10        Q      Do you remember if you worked that day?

11        A      Yes.

12        Q      Did you work that day?

13        A      Yes.

14        Q      What time you got -- what time did you get  
15                  home that evening?

16        A      Around 8 o'clock.

17        Q      In the evening?

18        A      Yes.

19        Q      Was your younger sister home at that time?

20        A      No.

21        Q      Do you know if she had -- withdrawn.

22        After you got home at 8 p.m. on March 31st, did you  
23                  see your sister any time after that on March 31st, your  
24                  younger sister?

25        A      You mean around 8 o'clock?

1                   Jin Zho Liu - People - Cross 522

2                   Q     From 8 o'clock -- when was the last time you  
3     saw your sister prior to your coming home?

4                   A     In the morning.

5                   Q     After you got home, did you see her again  
6     that particular day?

7                   A     No.

8                   Q     What time did your brother come -- do you  
9     remember what day was it that your brother came to your  
10   apartment?

11                  THE INTERPRETER: Could I have the  
12                  question again?

13                  Q     Did your brother come -- I'll withdraw.

14                  Did your brother come to your apartment on that  
15   day, March 31st?

16                  A     He was supposed to come to my home.

17                  Q     Did he come to your home?

18                  A     I don't quite remember, but I know that day  
19   he came in very late.

20                  Q     Would it have been after midnight?

21                  A     I'm not quite sure.

22                  Q     When for the first time -- do you know what  
23   time you received a telephone call from anyone who was  
24   talking about your sister and sister-in-law?

25                  A     I don't quite remember.

1                   Jin Zho Liu - People - Cross 523

2                   Q     The first phone call you received, was that  
3     on March 31st or April 1st, if you know?

4                   A     The next day.

5                   Q     That would have been April 1st?

6                   A     Yes.

7                   Q     Do you remember if that first phone call was  
8     in the morning, afternoon or evening?

9                   A     In the afternoon.

10                  Q     Could you approximate what time in the  
11    afternoon that first phone call came?

12                  A     12:35.

13                  Q     And at that time you were asked for money --  
14    were you asked for money?

15                  MR. SCHECHTER: Your Honor, the question  
16    would call for a yes or no answer.

17                  THE COURT: Please. It's a yes or no  
18    answer.

19                  A     Yes.

20                  Q     How much money was asked for?

21                  A     They want \$20,000 each.

22                  Q     During that conversation, did the amount of  
23    money that you were asked for, was it reduced?

24                  A     Not yet.

25                  Q     How many phone calls from the first phone

1                   Jin Zho Liu - People - Cross 524

2     call to the last phone call did you get from those  
3     people?

4     A     I don't remember quite well.

5     Q     Could you approximate how many phone calls?

6     A     Quite a few.

7     Q     Can you tell us how long the first phone call  
8     was?

9     A     Very short phone call.

10    Q     How long was it till you received the second  
11    phone call?

12    A     I don't remember very well.

13    Q     Now, you said that in one of the other phone  
14    calls -- withdrawn.

15                What language was the person or people who were  
16                making the phone call speaking?

17    A     They were speaking Mandarin.

18    Q     That is a dialect of Chinese?

19    A     Yes.

20    Q     When did they then tell you that it was --  
21                how long after that first phone call was it that they  
22                told you there'd be \$15,000 for two people.

23    A     It was quite a few calls afterwards.

24    Q     Can you approximate from 12:30 when you said  
25                the first call was approximately what time that call

Jin Zho Liu - People - Cross 525

2 was?

3 A I don't remember quite well.

4 Q Would it have been a few days later or a few  
5 hours later?

A I don't remember well.

7 Q Well, you said the first phone call was on  
8 April 1st at 12:30 in the afternoon. What time did you  
9 leave your apartment to go to Henry Street, if you know?

10 A I don't remember very well, but it's between  
11 April the 1st and April the 4th, in between those few  
12 days.

13 Q It was on April 4th that you then went to  
14 Henry Street?

15 MR. KESSLER: Objection.

16 THE COURT: Sustained. That's not what  
17 she said.

18 Q Do you remember what day you went to Henry  
19 Street?

20 A April 1st.

21 Q Do you remember what time you left your house  
22 to go to Henry Street on April 1st?

23 A In the evening around 10 P.M.

24 Q So then the phone call that you received  
25 where they then asked for less money would have been

1                           Jin Zho Liu - People - Cross 526

2                           between 12:30 and 10 o'clock?

3                           MR. KESSLER: Objection.

4                           THE COURT: Sorry?

5                           MR. KESSLER: Judge, I object to the  
6                           question. It seems to be more of a  
7                           Statement than a  
8                           question to the witness.

9                           THE COURT: Sustained as to form.

10                          Q       At 10 o'clock you left to go to Henry Street,  
11                          am I correct?

12                          A       Yes.

13                          Q       So would it have been prior to that time that  
14                          you got the phone call asking you for \$7,500 apiece?

15                          A       Around 10 o'clock that time the money had  
16                          been reduced to 7,500 each.

17                          Q       And what time -- let me withdraw it.

18                          After the person told you that they wanted \$7,500  
19                          apiece, is that when they told you what location to go  
20                          to or were there other phone calls afterwards?

21                          THE INTERPRETER: Did you say 750? Did  
22                          you say 750?

23                          MR. SCHECHTER: 7,500.

24                          THE INTERPRETER: May I have the  
25                          question again?

1 Jin Zho Liu - People - Cross 527

2 MR. SCHECHTER: Can the Court Reporter  
3 read it back?

4 THE COURT: Read it back.

5 (Whereupon, the Court Reporter read back  
6 the requested portion.)

7 A Not yet.

8 Q How many phone calls were there after they  
9 reduced the amount until you got a place to go?

10 A I don't remember very well, but it's in the  
11 evening.

12 Q Now, you said they originally were at \$20,000  
13 apiece. Did they -- I believe you also said they then  
14 reduced it to \$10,000 apiece and then to \$7,500 apiece?

15 A First they wanted 20,000 and than they wanted  
16 15,000.

17 Q Now, when they originally said they wanted  
18 \$40,000 and then they reduced it, did the person who you  
19 were speaking to seem angry or upset?

20 A He said I want \$15,000.

21 Q Was he upset when you told him that you  
22 couldn't raise the original amount?

23 A I don't remember.

24 Q Now, you were -- well, let me ask you this.  
25 Did you always speak to one person when they called or

1                   Jin Zho Liu - People - Cross 528

2         did you speak to different people, if you know?

3         A         What phone calls?

4         Q         From all the phone calls?

5         A         One, one person.

6         Q         And can you tell the members of the jury what  
7         the tone of his voice was during these phone calls?

8         A         He was speaking in a man's voice and was  
9         speaking Mandarin.

10        Q         Do you remember what time you got the money  
11        together?

12        A         I don't remember the exact time, but I know  
13        it's in the evening.

14        Q         Prior to going to Henry Street, did you go  
15        anyplace else with the money?

16        A         No.

17        Q         Was the money always in your apartment after  
18        you got it?

19        A         Yes.

20        Q         Did you ever give the money to the police  
21        officers?

22                   MR. KESSLER: Objection.

23                   THE COURT: Is that relevant?

24                   MR. SCHECHTER: Could be.

25                   THE COURT: Could be? Well, is it?

1 Jin Zho Liu - People - Cross 529

2 MR. SCHECHTER: Yes.

3 THE COURT: All right. Then I'll allow  
4 it. Overruled.

5 A You mean give the money -- no.

6 Q Now, when you were speaking on your phone on  
7 April 1st, where those phone calls, if you know, being  
8 recorded?

9 A I know.

10 Q Were they?

11 A Yes.

12 Q Did you ever tell any police officer that you  
13 were only asked for \$7,500 total?

14 MR. KESSLER: Objection as to form.

15 THE COURT: Pardon?

16 MR. KESSLER: Objection as to form.

17 THE COURT: Sustained.

18 MR. SCHECHTER: Your Honor, can I have a  
19 side bar?

20 THE COURT: Yes.

21 (Whereupon, a discussion was held off  
22 the record, at the side bar, among the Court,  
23 defense counsel and the assistant district  
24 attorney.)

25 MR. SCHECHTER: Your Honor, I would ask

1                   Jin Zho Liu - People - Cross 530

2                   that the question be read back.

3                   THE COURT: No. You rephrase it.

4                   Q     Did you ever tell any police officer on April  
5     1st that the amount of money requested was \$7,500 total?

6                   A     Yes.

7                   Q     Did you ever tell any police officer that you  
8     had put 7,500 -- that you were given the person who took  
9     the money \$7,500?

10                  MR. KESSLER: Objection.

11                  THE COURT: Sustained. I don't  
12                  understand that question.

13                  Q     You said you went to 217 Henry Street.

14                  A     Yes.

15                  Q     And someone came and you gave them a package  
16                  with money in it?

17                  A     Yes.

18                  Q     Now, that package, did you ever tell any  
19                  police officer that there was \$7,500 in that package.

20                  A     Yes.

21                  Q     Now, when you went to 217 Henry Street, did  
22                  your brother Liu Guo Bang go with you?

23                  A     No.

24                  Q     Did anyone go with you at that time?

25                  A     Yes.

1                   Jin Zho Liu - People - Cross 531

2                   Q      Who went with you?

3                   A      My brother and the police drove me to the  
4      near area.

5                   Q      Excuse me?

6                   THE INTERPRETER: To the near area.

7                   Q      But when you went to 217 Henry Street, were  
8      you by yourself or were you with anyone else?

9                   A      No.

10                  Q      You were by yourself?

11                  A      With my brother.

12                  Q      Which brother?

13                  MR. KESSLER: Objection as to relevance.

14                  THE COURT: Is it relevant?

15                  (Whereupon, a discussion was held off  
16      the record, at the side bar, among the Court,  
17      defense counsel and the assistant district  
18      attorney.)

19                  Q      Which brother did you go with to 217 Henry  
20      Street?

21                  A      With my older brother.

22                  Q      Okay. Will you look around the courtroom and  
23      tell me if you see anyone -- if you see the gentleman  
24      that you gave the package to in this courtroom? Look  
25      all around the courtroom.

1 Jin Zho Liu - People - Cross 532

2 MR. KESSLER: I object to this.

3 THE COURT: Pardon me?

4 MR. KESSLER: I object.

5 THE COURT: Overruled.

6 A I'm not quite sure.

7 Q Do you believe you may see that person here?

8 MR. KESSLER: Objection.

9 THE COURT: Sustained.

10 MR. SCHECHTER: Your Honor, I believe I  
11 should be allowed to explore it if she says  
12 she's not sure.

13 THE COURT: Well, explore it, but on  
14 that question, it's improper.

15 MR. KESSLER: Judge, I object and I want  
16 to know if he has a good faith basis to  
17 believe this person is even here.

18 THE COURT: Do you?

19 MR. SCHECHTER: Can we approach?

20 THE COURT: Yes.

21 (Whereupon, a discussion was held off  
22 the record, at the side bar, among the Court,  
23 defense counsel and the assistant district  
24 attorney.)

25 Q Miss Liu, you're not sure whether this person

1                   Jin Zho Liu - People - Redirect533

2                   is in this courtroom or not?

3                   MR. KESSLER: Objection.

4                   THE COURT: Overruled.

5                   A         Not quite to identify him. I can't quite  
6                   identify him.

7                   MR. SCHECHTER: I have nothing further.

8                   THE COURT: Anything else?

9                   REDIRECT EXAMINATION

10                  BY MR. KESSLER:

11                  Q         How much money is with you when you go to  
12                  drop off the money at 217 Henry Street?

13                  MR. SCRECHTER: Objection to gave.

14                  THE COURT: Pardon me?

15                  MR. SCHECHTER: Can I have the question  
16                  reread?

17                  (Whereupon, the Court Reporter read back  
18                  the requested portion.)

19                  Q         How much money is with you when you go to 217  
20                  Henry Street?

21                  A         \$15,000.

22                  Q         And the police are with you when you go in  
23                  the area near 217 Henry Street?

24                  A         Yes.

25                  Q         Did you ever get together \$7,500 or was the

1                   Jin Zho Liu - People - Redirect534

2 total amount 15,000?

3                   A I did have \$15,000.

4                   Q When the defense attorney was asking you if  
5 you ever told anyone it was 7,500, who were you telling  
6 it was 7,500 to?

7                   A I asked her if the bag had \$7,500.

8                   Q You asked who?

9                   THE INTERPRETER: He asked me and I  
10                  asked her.

11                  MR. KESSLER: I think there's a problem.

12                  Q The amount of money that's in the bag, did  
13 you ever tell anyone --

14                  THE COURT: Excuse me a moment, please.  
15                  You have just got to ask exactly what the  
16                  attorneys ask and exactly what her answer  
17                  is. Don't have any other conversations or  
18                  colloquy with the witness.

19                  Q The \$15,000 that's in the bag did the police  
20 see that money?

21                  A There were policemen in my apartment. The  
22 police men did see it.

23                  Q Did the policemen see all the money or did  
24 you hide some from the policemen?

25                  MR. SCHECHTER: Objection, your Honor.

1 Jin Zho Liu - People - Redirect535

2 THE COURT: Sustained.

3 Q Did the policemen see all the money?

4 MR. SCHECHTER: Objection, your Honor.

5 THE COURT: I don't know what the answer  
6 is.

7 MR. SCHECHTER: I'm objecting to the  
8 question.

9 THE COURT: No. Overruled. You can  
10 answer it.

11 THE INTERPRETER: Question again?

12 Q Did the policemen see all the money, all the  
13 \$15,000?

14 A Yes, he did.

15 Q When the defense attorney asked you if you  
16 ever told the police it was \$7,500, did you ever tell  
17 the police it was \$7,500 or did you tell them it was  
18 \$15,000?

19 MR. SCHECHTER: Objection, your Honor.

20 It's a double question.

21 MR. KESSLER: It's an option, Judge. I  
22 want to know.

23 THE COURT: Ask two separate questions.

24 MR. SCHECHTER: Your Honor --

25 THE COURT: Please. I sustained the

1 Jin Zhu Liu - People - Recross536

2 objection. Ask one question.

3 MR. KESSLER: I'll ask it different.

4 Q Did you tell the police it was \$15,000?

5 A Yes.

6 Q Did you ever tell them it was any less amount  
7 of money than that?

8 A No.

9 MR. KESSLER: Okay. I have nothing  
10 further.

11 RECROSS-EXAMINATION

12 BY MR. SCHECHTER:

13 Q After you gave the package to that man, were  
14 you present when -- when was the next time you saw any  
15 money that was in?

16 MR. KESSLER: Judge, I object as beyond  
17 the scope of redirect.

18 THE COURT: Pardon me?

19 MR. KESSLER: I object to beyond the  
20 scope of redirect.

21 THE COURT: Step up.

22 (Whereupon, a discussion was held off  
23 the record, at the side bar, among the Court,  
24 defense counsel and the assistant district  
25 attorney.)

Kurtz - People - Direct 537

MR. SCHECHTER: Your Honor, I'll

withdraw the question, your Honor.

MR. KESSLER: I have nothing further.

THE COURT: Anything else of this

witness?

MR. SCHECHTER: No.

THE COURT: All right. You can step down. Call your next witness.

MR. KESSLER: People call Dr. Howard

Kurtz.

12 D R. HOWARD KURTZ, a witness called on  
13 behalf of the People, after having been first duly  
14 sworn by the Clerk of the Court, was examined and  
15 testified as follows:

THE COURT: You may inquire,

17 DIRECT EXAMINATION

18 BY MR. KESSLER:

19 Q Dr. Kurtz, directing your attention to the  
20 date of April 2nd, 1995 were you working on that day?

21 A Yes.

22 Q And what were your duties and  
23 responsibilities on that day?

24 A Uhm, basically as a resident in obstetrics  
25 and gynecology covering everything including the

Kurtz - People - Direct 538

2 | emergency room.

3 MR. SCHECHTER: Your Honor, can you  
4 speak a little louder?

5 THE WITNESS: Sure.

6 Q You were a resident at that time.

7           A       Yes. I'm actually first year resident at New  
8       York Downtown Hospital and basically you cover  
9       everything including the emergency room.

10 Q Did there come a time on that date that you  
11 had an opportunity to examine two women, specifically  
12 Liu Yan Wu and Jin Hao Liu?

13 A Yes.

14 Q And as part of your examination on these  
15 women, did you get an opportunity to do a rape kit on  
16 them?

17 A Yes.

18 MR. SCHECHTER: Objection to the term  
19 "rape kit."

20 | THE COURT: Sustained.

21 Q Did you have any type of tests that you  
22 performed on these women?

23 A Yes.

24 Q What is that called?

25 A We call it a rape kit.

Kurtz - People - Direct 539

2 Q And can you tell us basically what this rape  
3 kit is and what you do to do this kit?

4           A        Sure. Basically it contains approximately  
5           about 10 or 12 different little envelopes in it and  
6           basically the first thing you do when you take a look at  
7           the patient take an overview look to look for any kinds  
8           of bruises or scratches or anything like that and you  
9           take a history and you sort of enter in the history.

10 Q On these two women we'll go step by step.  
11 Did you do a basic physical exam?

12 A Yes.

Q Did you see any bruises or scratches on them?

14 A NO.

15 Q Did you do a history?

16 A That was performed in conjunction with the  
17 emergency room attending and translators.

18 Q Did there come a time that you did any other  
19 tests as part of this rape kit?

20 A Sure.

21 Q Tell us basically what tests you did and if  
22 you did them on both women or just one. Did you do each  
23 of the tests on both women?

24 A Yes.

Q Tell us what tests you did on each of the

Kurtz - People - Direct 540

2 women.

MR. SCHECHTER: Let's go which woman  
your Honor instead of on both.

THE COURT: Is that what you would like?

MR. SCHECHTER: Yes.

THE COURT: Then let's do it that way.

MR. SCHECHTER: Thank you.

9           A       Well, basically the kit is the same for  
10      either one so the test would be the same. I'll tell you  
11      what I did on each woman then.

12            Basically you have the woman stand up on sort of a  
13        little piece of paper and that's for collecting any kind  
14        of debris that would be on them. You then take that  
15        piece of paper, put it into an envelope, seal it, sign  
16        your name and put it inside the kit.

17 Q Did you do that on each of these?

18 A      Correct.

19 Q Then what did you do?

20           A       Some of the other things that you do is you  
21 take fingernail scrapings. Once again you seal that in  
22 the envelope, sign your name, put it in the kit. You  
23 then do vaginal swabs, you do rectal swabs, you do oral  
24 swabs, you take a blood sample.

25 Q Let's go to the swabs for one minute.

Kurtz - People - Direct 541

2 Describe for us what you mean by oral swabs, rectal  
3 swabs and vaginal swabs.

4       A     Okay. Basically they're little Q-tips and if  
5 you do a rectal swab, you stick it in the rectum and put  
6 it inside the little kit once again and seal the  
7 envelope.

8           Other thing you do is you take pubic hair samples.  
9        You take hair from the head samples. You put this all  
10      in the envelope, sign your name and then hand it over to  
11      the police officer.

12 Q Now, on each of these women Liu Yan Wu and  
13 Jin Hao Liu did you do each of those swabs on each of  
14 them?

15 A Correct.

16 Q And did you seal each of the rape kits after  
17 you performed them?

18 A Yes -

Q Did you take any clothing from the women?

20 A I believe we took panties from both of the  
21 women.

22 O And what's the purpose of taking the panties?

23 MR. SCHECHTER: Objection.

THE COURT: Overruled. If you know.

A Well, if there's any kind of semen or inside

Kurtz - People - Direct 542

2 the panties and stuff like that you'd be able to find  
3 that.

Q      Had you ever met any of these women before?

5 A. Before that day, no.

6 Q And did they agree to each of the tests that  
7 you performed on them?

8 A Yes.

9 Q. And was there a woman in the room with you at  
10 the time?

11 A Yes.

12 O And is that required by your hospital?

13           A       Uhm, that is common practice of every  
14           obstetrician and gynecologist when you're examining a  
15           female patient.

16 Q And these kits that you handed over to the  
17 police, did you ever see either of these again, the  
18 kits?

19 A No.

Q Or find out the results?

21 A No.

22 MR. KESSLER: I have nothing further.

**23**      **CROSS-EXAMINATION**

24 BY MR. SCHECHTER:

25 Q Dr. Kurtz, in April -- what's your specialty

Kurtz - People - Cross 543

2 and what were you studying when you were a resident?

**A** I'm studying obstetrics and gynecology.

4 Q And what year resident were you in April of  
5 1995?

**6**      A      First year.

7 Q And prior to that date, how many of these so  
8 called tests had you performed?

9 A Approximately 10.

10 Q Was the police officer in the room when you  
11 did these tests?

12 A No.

13 Q Do you know where he was?

14 A I believe he was in the waiting area.

15 Q And did you have any conversation with either  
16 of the two women?

17 A Through interpreter.

18 Q Were you the one who filled out the chart?

19           A        Most of the history was filled out by the  
20 emergency room attending. I just filled out my consult  
21 sort of part, physical and the kit.

22 Q And besides from what you filled out on the  
23 medical records, did you take any notes or make any  
24 notes or memorandum that were not included in the chart.

25 A No.

1 Hickey - People - Direct 544

2 MR. SCHECHTER: I have nothing further.

3 THE COURT: Anything

4 else?

5 MR. KESSLER: Thank you, doctor.

6 THE COURT: Okay. You can step down.

7 Thank you.

8 MR. KESSLER: People call Thomas Hickey.

9 T H O M A S     H I C K E Y, a witness called on behalf of  
10 the People, after having been first duly sworn by the  
11 Clerk of the Court, was examined and testified as  
12 follows:

13 THE COURT: You may inquire.

14 DIRECT EXAMINATION

15 BY MR. KESSLER:

16 Q Mr. Hickey, can you tell us what you do for a  
17 living?

18 A I'm a chemist currently employed by the New  
19 York City Police Department.

20 Q How long have you been a chemist for the New  
21 York City Police Department?

22 A This August will be seven years.

23 Q And what are your general duties and  
24 responsibilities as a chemist with the New York City  
25 police department?

1 Hickey - People - Direct 545

2 A I am currently assigned to the serology  
3 section and my duties include the examination of  
4 evidence for the presence of assorted bodies fluids.

5 Q Is semen one of the assorted body fluids you  
6 look for the presence of?

7 A Yes, it is.

8 Q Mr. Hickey, did there come a time that you  
9 examined what's called a rape kit on an individual named  
10 Liu Yan Wu?

11 A Yes, I did.

12 Q Can you tell us what date that was?

13 A There was two cases. Can I check my notes on  
14 that particular one?

15 THE COURT: Yes, if you need to refresh  
16 your recollection.

17 MR. SCHECHTER: Your Honor, can I have a  
18 side bar before?

19 (Whereupon, a discussion was held off  
20 the record, at the side bar, among the Court,  
21 defense counsel and the assistant district  
22 attorney.)

23 THE COURT: We'll take a short recess at  
24 this time. Don't discuss the case with  
25 anyone or among yourselves. Don't let anyone

1 Hickey - People - Direct 546  
2

discuss it with you.

3 (Whereupon, the jury left the  
4 courtroom.)

5 THE COURT: Jury has left the courtroom.

6 You can step down. How long will you need?

7 MR. KESSLER: Five minutes.

8 THE COURT: Five minutes.

9 (Whereupon, a brief recess was taken.)

10 THE CLERK: 3282 of '95, case on trial  
11 continues, Hai Guang Zheng. Let the record  
12 indicate the presence of the defendant,  
13 official Mandarin Interpreter, defense  
14 counsel and the assistant district attorney.  
15 Any applications?

16 MR. SCHECHTER: Yes. Your Honor, first  
17 I would ask that the witness be excused.

18 THE COURT: Step out.

19 MR. SCHECHTER: Your Honor, I've been  
20 given two police lab information analysis  
21 reports, both prepared by Thomas Hickey; one  
22 for Jin Hao Liu, the other for Liu Yan Wu who  
23 would be the two complaining witnesses in  
24 this case and both of them show that there  
25 were tests for swabs and smears. One was

1 Hickey - People - Direct 547

2 negative for spermatozoa, one was positive.

3 Also, I believe the district attorney  
4 will then attempt to bring in panties that  
5 tested positive for the presence of  
6 spermatozoa that chemist Hickey did. I'm  
7 objecting to all of this for one reason.

8 There's been no showing up to this time, your  
9 Honor, especially as to the panties, whose  
10 panties they are, when they were, normally  
11 what should happen if the district attorney  
12 wants to bring this evidence in.

13 MR. KESSLER: I object to normally what  
14 would happen, what could happen in other  
15 cases.

16 MR. SCHECHTER: Well, under our rules of  
17 evidence.

18 THE COURT: Whose rules? Yours?

19 MR. SCHECHTER: No, New York State. The  
20 district attorney would have to lay a  
21 foundation prior to a chemist looking at  
22 evidence and saying what his test results  
23 were. The victim would have to testify that  
24 that's her panties. As to the swabs, the  
25 doctor would have to show that these were the

1 Hickey - People - Direct 548  
2

3 same ones and identify them and then a chain  
4 of custody, your Honor. Nothing's been done  
5 here and I'm objecting to this witness  
6 testifying to anything concerning any panties  
7 or any vaginal smears without the proper --  
8

9 THE COURT: You want him to testify that  
10 the smear was their smear?  
11

12 MR. SCHECHTER: I'm not -- you know,  
13 that he received the smear and that --  
14

15 THE COURT: That who received the smear?

16 MR. SCHECHTER: That he received it.  
17

18 THE COURT: Who's he?

19 MR. SCHECHTER: The chemist.  
20

21 THE COURT: He's going to testify to  
22 that, I presume.  
23

24 MR. SCHECHTER: Before that, I would  
25 need the doctor who took the smear.

THE COURT: He was on the stand.

MR. SCHECHTER: But he was never asked  
if these --

THE COURT: He said he took the smears,  
put them into sealed envelopes and gave them  
to the cop.

MR. SCHECHTER: Right, but what should

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2

3 have been asked of him and should have been  
4 marked in evidence was this the smear that  
5 you took and he looked at it and his initials  
and he could say yes.

6 THE COURT: Want to respond to that?

7 MR. KESSLER: I guess, Judge, the only  
8 thing I'm responding is the doctor indicated  
9 he took smears from each of the women, took  
10 their panties and put them in each rape kit,  
11 sealed them, handed them to a police officer.  
12 That's all he did. The police officer is  
13 going to testify he took the kits and brought  
14 it to this chemist. The chemist is going to  
15 say he opens up the kits, takes a look at the  
16 smears and says yes, no, positive, negative  
17 whatever he finds. He then seals it again  
18 and know its brought back to the property  
19 clerk and now it's here.

20 MR. SCHECHTER: There's a proper way to  
21 do things.

22 THE COURT: Only one proper way?

23 MR. SCHECHTER: No, maybe more, but when  
24 you're dealing with evidence, your Honor,  
25 there must be a chain of custody.

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2

3 THE COURT: Well, so far, I see a chain  
4 of custody. I have a police -- I have a  
5 doctor who testifies to what he did. He  
6 testified he sealed it. District attorney  
7 said he's going to put a police officer on  
8 the stand who's going to testify. He  
9 attained these two sealed rape kits and  
10 brought them to a chemist. The chemist,  
11 being called out of turn, is going to testify  
12 to what he did. What more chain of custody  
13 do you need than that?

14 MR. SCHECHTER: As to the panties, your  
15 Honor, the individual women have to identify  
them.

16 THE COURT: Well, I don't think they  
17 have to identify them.

18 MR. SCHECHTER: Respectfully --

19 THE COURT: The doctor said he took  
20 panties from each one and put them into the  
21 rape kit.

22 MR. SCHECHTER: But there's been no  
23 testimony that those were the same panties  
24 that were being worn by the women at the time  
25 that these incidents allegedly happened.

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2

3 MR. KESSLER: Judge, again, he's talking  
4 about arguments he can make to the jury on  
5 summation. It is not chain of custody; does  
6 not go to admissibility. It goes to weight  
7 and if he wants to argue there's no weight to  
be given THIS evidence, he can argue it.

8 THE COURT: I'm going to allow it. Your  
9 exception IS noted.

10 MR. SCHECHTER: Respectfully excepted.

11 THE COURT: All right. Let's go. Bring  
12 your witnesses back in. Please bring the  
13 jury in after the witness is on the witness  
14 stand.

15 (Whereupon, the jury entered the  
16 courtroom.)

17 THE CLERK: Case on trial continued.  
18 Let the record reflect the presence of the  
19 defendant, defense attorney, assistant  
20 district attorney, official Mandarin  
21 interpreter, 12 regular, four alternates  
22 properly seated. All sides waive formal  
23 reading once again?

24 MR. KESSLER: So waived.

25 MR. SCHECHTER: Yes.

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2

3 THE CLERK: Sir, you were previously  
4 sworn by the Court. You're reminded still  
under oath. Do you understand that?

5 THE WITNESS: Yes.

6 THE COURT: You may continue.

7 Q Mr. Hickey, I was asking you about rape kits  
8 that you received in connection with this case.

9 MR. KESSLER: Why don't we do this?

10 Can I mark these People's 3 and 4 for  
11 identification, your Honor?

12 THE COURT: Mark it 3 and 4 for  
13 identification.

14 (Whereupon, People's Exhibits  
15 3 and 4 were marked for identification.)

16 MR. SCHECHTER: I would just ask which  
17 person is 3 and which person  
18 is 4.

19 THE COURT: I'll do that at the proper  
20 time.

21 MR. KESSLER: Can you hand the  
22 witness number 3?

23 Q Mr. Hickey, could you identify what rape kit  
24 number 3 is for?

25 A It was kit received by the lab on April 2nd,

1 Hickey - People - Direct 553

2 1995 given lab number 95-1251 under voucher number  
3 548064.

4 Q And is there a woman's name on the kit?

5 A Yes, there is.

6 Q Could you tell us which woman?

7 A Last name Wu, W-U.

8 Q Did you receive that kit?

9 A Yes, I did.

10 Q And did you perform an examination on that  
11 kit?

12 A Yes, I did.

13 Q And after you were done with your  
14 examination, what did you do with the kit?

15 A Proceeded to seal it with tape that's on it  
16 and return it back to the evidence desk at the lab.

17 Q Did you put any initials on it when you  
18 sealed it?

19 A Yes, I did.

20 Q Are they on there now?

21 A Yes, they are.

22 Q Could you tell us did you perform an  
23 examination on that kit?

24 A Yes, I did.

25 Q Can you tell us what day that occurred?

1 Hickey - People - Direct 554  
2

3 A April 11th, 1995.  
4

5 Q Now, could you tell us what you examined  
6 initially -- what's inside the kit when you examine it?  
7

8 A The kit contains evidence collected at the  
9 hospital by the physician who examines the patient.  
10 Inside is an assortment of swabs and slides, hair  
11 samples, blood samples, saliva samples and other  
12 assorted evidence taken at the hospital.  
13

14 Q And are each of those marked?  
15

16 A Yes, they are. They're sealed in individual  
17 envelopes.  
18

19 Q And are the individuals marked as to what  
20 they are?  
21

22 A Yes, they are.  
23

24 Q As to Miss Wu, did you look at the -- are  
25 they marked on envelopes?  
26

27 A Yes, they are.  
28

29 Q Okay. Did you look at the envelope marked  
30 vaginal swabs?  
31

32 A The vaginal swabs and smears are packaged  
33 together so yes I looked at the swabs and smears, yes.  
34

35 Q When you say you looked at them, could you  
36 describe for the jury what you did with regards to the  
37 ones labeled vaginal swabs and smears?  
38

1 Hickey - People - Direct 555

2 A My first step is to remove the smears that  
3 are present. There's usually just glass microscopic  
4 slides, label them as to which samples they are. Then I  
5 proceeded with my analysis which includes staining the  
6 slides with a biological stain. Then drying the slides  
7 and observing them under the microscope for the presence  
8 of spermatozoa.

9 Q What if anything did you observe about Miss  
10 Wu's vaginal swabs and/or smears?

11 MR. SCHECHTER: Objection.

12 THE COURT: Pardon me?

13 MR. SCHECHTER: Objection. Can we have  
14 a side bar?

15 THE COURT: Yes.

16 (Whereupon, a discussion was held off  
17 the record, at the side bar, among the Court,  
18 defense counsel and the assistant district  
19 attorney.)

20 Q Have you ever performed an examination on  
21 vaginal swabs or smears prior to this date?

22 A Yes, I have.

23 Q About how many times have you performed  
24 vaginal examination on vaginal swabs or smears prior to  
25 this date?

1 Hickey - People - Direct 556

2 A I would estimate I've examined over 500 of  
3 these kits.

4 Q What type of training do you have and  
5 background regarding serology?

6 A At the lab itself, I received an approximate  
7 three month period where we were given classroom work  
8 and then practical laboratory work where we were given  
9 known and unknown samples to analyze which included  
10 slides.

11 Q Do you have any degree outside of high  
12 school?

13 A Yes, I do.

14 Q And what degree do you have?

15 A A Bachelor of Science Degree in chemistry  
16 from Long Island University, South Hampton College.

17 Q Back now to the vaginal swabs of Miss Wu, did  
18 you perform an examination with regard to the vaginal  
19 swabs of Miss Wu?

20 A Yes, I did.

21 Q And what if anything did you observe?

22 A May I look at my notes?

23 THE COURT: You can refresh your  
24 recollection.

25 A Cause there's two different cases.

1 Hickey - People - Direct 557  
2

3 MR. SCHECHTER: Your Honor, I would  
4 still object.  
5

6 THE COURT: Overruled.  
7

8 A Okay.  
9

10 Q Is your recollection refreshed?  
11

12 A Yes, it is.  
13

14 Q What if anything did you observe?  
15

16 A That the slides tested positive for the  
17 presence of spermatozoa.  
18

19 Q When you say tested positive, can you  
20 describe what you did and what you saw?  
21

22 A Upon staining these slides and observing  
23 under a microscope, I saw sperm cells.  
24

25 Q Now, did you also test the panties -- was  
there underwear in the kit labeled Miss Wu?

26 A Yes, there was.  
27

28 Q Did you test those as well?  
29

30 A Yes, I did.  
31

32 Q Describe what you did with those underwear  
33 and exactly what if anything you saw?  
34

35 A First step is to do a visual examination of  
36 the item to look for any visual stains. Any stains that  
37 are seen are marked and then I proceeded with my  
38 analysis which is to cut a small piece of the stain out,  
39

1 Hickey - People - Direct 558

2 place it in a clear test tube, add a clear reagent and  
3 look for a color change to a dark purple color. There's  
4 a presumptive test for the presence of semen. If you  
5 see this dark purple color, you proceed to your next  
6 step which is to take that same piece of sample that you  
7 cut out with a scalpel, scrape it onto a microscopic  
8 slide, dry that slide and then proceed with the same  
9 procedure as before with staining the slide and looking  
10 under the microscope for the presence of sperm cells.

11 Q Describe for us what if anything you saw with  
12 regard -- did you take a sample of the panties under  
13 that Vitullo kit?

14 A Yes, I did.

15 Q Describe for us what if anything you saw and  
16 what you did with the sample you took?

17 A The sample that I tested tested positive for  
18 spermatozoa.

19 Q When you say tested positive, what did you  
20 see?

21 A I saw sperm cells.

22 Q Where did you see them?

23 A On the slides that I made from the cutting  
24 from the item itself.

25 Q Now, were there swabs taken and marked anal

1 Hickey - People - Direct 559

2 swabs and oral swabs?

3 A Yes there were.

4 Q Did you examine them as well?

5 A I examined both the swabs and smears of the  
6 marked anal and oral.

7 Q Did you see any spermatozoa in those?

8 A No, I did not.

9 Q Now, the other kit labeled Miss Liu, did you  
10 examine that kit as well? Can we show the witness  
11 People's I think it's 4?

12 A Yes, I did.

13 Q Okay. And did you examine the envelope  
14 labeled vaginal and -- vaginal swabs and smears?

15 A Yes, I did.

16 Q Could you describe for us what if anything  
17 you observed about those findings?

18 A I did not observe any sperm cells.

19 Q What about the anal and oral swabs? Did you  
20 see any sperm cells regarding this?

21 A No, I did not.

22 Q Was there any underwear or panties in that  
23 rape kit?

24 A Yes, there were.

25 Q Did you test those?

1 Hickey - People - Direct 560

2 A Yes, I did.

3 Q Okay. And did you perform the same tests and  
4 you did on the other underwear you took previously?

5 A Yes, I did.

6 Q Can you tell us the findings if anything that  
7 you observed and what you did and what if anything you  
8 saw?

9 A I did the same testing and observed the  
10 presence of sperm cells.

11 Q After you performed all your tests on both of  
12 the kits, what did you do with the kits?

13 A I proceeded to seal up the evidence in the  
14 envelopes that they came in and proceeded to seal the  
15 kit up with the tape, label it with my initials, the lab  
16 number, voucher number and then I proceeded to return it  
17 eventually to the evidence desk at the lab.

18 Q Have you ever testified in a courtroom  
19 before?

20 A Yes, I have.

21 Q Ever been declared an expert in any field?

22 A Yes, I have.

23 Q What fields are you declared an expert.

24 A Forensic serology and as a chemist for -- how  
25 do they phrase that, examination of controlled substance

1 Hickey - People - Cross 561  
2 and narcotics.

3 Q Of the 500 kits that you have examined, about  
4 what percentage of the kits would you estimate for us  
5 come back positive for vaginal?

6 MR. SCHECHTER: Objection.

7 THE COURT: Sustained.

8 MR. KESSLER: I have nothing further  
9 then at this point.

10 CROSS-EXAMINATION

11 BY MR. SCHECHTER:

12 Q Mr. Hickey can I see your notes?

13 A Sure.

14 Q Now, with the vaginal smear, did you put any  
15 chemicals on it when you were examining it under the  
16 microscope?

17 A While under the microscope itself?

18 Q Prior to putting it, placing the smear on a  
19 slide.

20 A To prepare it, we add alcohol, methanol to  
21 the slide to fix it and then we add the stain which is a  
22 Giesma stain.

23 Q And that's for the vaginal smears?

24 A That's a -- yes, a differential stain that we  
25 use to determine the sperm cells.